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Saturday, December 4, 1971
Agrahayana 13, 1893 (Saka)

LOK SABHA DEBATES

(Third Session)

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LOK SABHA

Saturday, December 4, 1971/ Agrahayana 13, 1893 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

STATEMENT *RE.* ATTACK BY PAKISTAN

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : Mr. Speaker, Sir, this morning, according to the news, the Government of West Pakistan have declared war upon us. Last evening the West Pakistan Air Force violated our air space wantonly and attacked a large number of our air fields. Simultaneously their ground forces shelled our positions along the western border. Their propaganda media has made a totally baseless allegations that India had launched an attack and assault.

The news reached me just as I was leaving Calcutta. Immediately on my return I took counsel with my colleagues and with the Leaders of the Opposition Parties. We were all of one mind, united in our resolve that the nation's freedom should be defended and unanimous that the aggressor should be beaten back. I am sure the same sense of solidarity will mark our work in the difficult days ahead. A state of Emergency has been proclaimed.

I lay on the Table a copy of Notification No. G:S.R. 1789 published in Gazette of India dated the 3rd December, 1971 under sub-clause (b) of clause (2) of article 352 of the Constitution, publishing the Proclamation of Emergency issued by the President on the 3rd December, 1971 under clause (1) of the said article. [*Placed in Library. See* No. LT-1219/71].

We are approaching the House to adopt the Defence of India Bill.

Our feeling is one of regret that Pakistan did not desist from the ultimate folly and sorrow that at a time when the greatest need of this sub-continent is development, the peoples of India and Pakistan have been pushed into war. We could have lived as good neighbours by the people of West Pakistan have never had a say in their destiny. In this grave hour our own dominant emotion is one of confidence and faith.

For over nine months the military regime of West Pakistan has barbarously trampled upon freedom and basic human rights in Bangla Desh. The Army of occupation has committed heinous crimes unmatched for their vindictive ferocity. Many millions have been uprooted, ten millions have been pushed into our country.

We repeatedly drew the attention of the world to this annihilation of a whole people, to this menace to our security. Everywhere the people showed sympathy and understanding for the economic and other burdens and the danger to India. But Governments seemed morally and politi-

*Under Rule 15 of the Rules of Procedure and Conduct of Business in Lok Sabha, the Speaker directed that Lok Sabha which had been adjourned till 11 A.M. on Monday, the 6th December, 1971 would meet at 11 A.M. on Saturday, the 4th December, 1971.

[Shrimati Indira Gandhi]

cally paralysed. Belated efforts to persuade the Islamabad regime to take some step which would lead to a lasting solution fell on deaf ears.

The wrath of the West Pakistan Army has been aroused because the people of Bangla Desh have stood and struggled for values which the Army is unable to comprehend and which it has suppressed in every province of Pakistan.

As the Mukti Bahini's effectiveness increased the West Pakistan Army became more desperate. Our tradition is to stand not with tyrants, but with the oppressed and so the anger has been turned upon us.

West Pakistan has escalated and enlarged the aggression against Banlga Desh into full war against India. War needs as much patience and self-restraint as does peace. Military regime of West Pakistan will go all out to sow suspicion and rumour in the hope of fomenting communal tension and internal trouble. Let us not be taken in by their designs. We must maintain unity and a sense of high purpose.

We should be prepared for a long struggle. High production, agricultural and industrial, is the foundation upon which defence rests. The courage and fighting capability of the jawans have to be backed by the dedication of the farmer, the worker, the technician and the trader. The business community has a special responsibility to resist the temptation to heard or to charge higher profit. Artists and writers, teachers and students—the nation looks to them to defend our ideals and to keep high our morale. To the women of our country I make special appeal to save every possible grain and rupee and to avoid waste. The sacrifice of each of us will build the nation's strength and enduring power.

We have stood for peace, but peace itself has to be defended. Today we are fighting to safeguard our territorial integr and national honour. Above all, we are fighting for the ideals we cherish and the cause of peace.

11.06 hrs.

RESOLUTION RE. PROCLAMATION OF EMERGENCY

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : I beg to move :

"That the House approves the Proclamation of Emergency issued under article 352 of the Constitution by the President on the 3rd December, 1971."

MR. SPEAKER : Resolution moved :

"That the House approves the Proclamation of Emergency issued under article 352 of the Constitution by the President on the 3rd December, 1971".

SHRI A. K. GOPALAN (Palghat) : By its large-scale air-raids and shelling on various sectors yesterday, the military junta of Pakistan has confronted this country with a full-fledged war. This has come because of the support India has given to the liberation struggle of the people of Bangla Desh, and our Party has always stated that in case of such a development, the nation will rally to a men to defeat the military junta's aggression, because it is essential for the victory of the Bangla Desh struggle, to defeat the game of imperialism in the sub-continent and to strengthen democracy not only in Bangla Desh but also in West Pakistan. We reiterate this stand of our party. We would appeal to the Government of India to end all hesitation, resist all pressures and accord immediate recognition to Bangla Desh because we are fighting for Bangla Desh, and today formally we have to recognise Bangla Desh.

We would also like to warn, however, that there are reactionary elements in the country which will strive to work up chauvinism and whip up communal tension. We should firmly fight these reactionary attempts and tell our people that this is a war to help the victory of Bangla Desh people. We should tell them not to become victims of any anti-Pakistan hysteria that is worked up.

As far as the Proclamation of Emergency is concerned, we are of the opinion that because the whole country is behind the Government, formal Proclamation of Emergency was not necessary now, but it has been done, we have nothing to say about it. We confirm that we will be supporting whole heartedly the struggle for Bangla Desh and against Pakistan.

SHRI INDRAJIT GUPTA (Alipore): On behalf of our party we pledge our total and utmost support to the supreme national task which devolves upon us at this hour of defending our territorial integrity against this trecherous and unscrupulous aggression that has been launched against our counrty.

Since last night a great and historic mission has fallen to the lot of our armed forces It is not only to defend our territorial integrity. The enslaved people, the tortured people of Bangla Desh are looking to us since last night to wield the sword of retributive justice on their behalf. Let that sword be wielded with courage and determination. At the same time, I would request the Government to make it clear beyond any shadow of doubt that we harbour no ambitions of territorial aggrendizement against Pakistan. We have no quarrel with the common people of Pakistan, with whom we have always wanted, and hope one day we shall be able, to live as peaceful and friendly neighbours.

Our struggle is against the military junta of Islamabad, which has brought such indescribable suffering and sorrow to the peoples of Bangla Desh. So, I would request the Government to lose no opportunity in declaring before the world in clear terms what our war aims are, so that communal and chauvinistic forces are not allowed to get the upper hand. Also, now the time has come when we must boldly declare our recognition of Bangla Desh and the Government which represents the people of Bangla Desh.

We are going shortly to pass the Defence of India Bill and rules will be framed thereunder. This will arm the Government with practically omnipotent powers. In the interests of the country and its defence, the Prime Minister has spoken about maximising production. We are one with her. The working class will play its part in this. But you must see, with the powers you will now get at your command, that the owners of industry, the employers, are not permitted to close down production units and to retrench the workers at their own sweet will. You must see to it that over 3000 industrial units which are lying closed in the country today are made to open and resume production, so that the full capacity of our resources can be brought into play.

Just as we are all resolved to defend our country against aggression, so the Government must see to it that the people are defended also in the rear against any unscrupulous profiteers, hoarders or speculators, who might try to take advantage of the abnormal situation, with which we are now confronted.

I do not wish to take more time now. Our thoughts today are primarily with the gallant men of our armed forces and also with the heroes of Mukti Bahini, but for whose epic resistance during the last eight months, I think, there would have been nothing left of Bangal Desh. Had they succumbed, had they surrendered and given away, we would have been faced with a very different situation. But hope is

[Shri Indrajit Gupta]

the light today and by the sacrifices that the people of Bangla Desh and Mukti Bahini have undergone, they have kept the flame of liberty and revolt aloft And today, when the desperate junta at Islamabad is trying to make its final bid to suppress the people in blood, we should be proud of the fact that history has intertwined inextricably our struggle for national defence and the struggle of the people of Bangla Desh for their liberation. We are living through a period of history today and let it not be said that we failed at this time. With courage, determination and resoluteness, we must go ahead, but keeping true to the traditions of our great country, we should make a declaration . We were always a peace-living country We have only gone to war when it has been thrust upon us We do not wish to annex anybody else's territory We wish to defend our soil and to help the people of Bangla Desh to achieve their liberation, so that they may live freely as they wish to live under a Government of their own choice

SHRI SEZHIYAN (Kumbakonam) Mr. Speaker, on behalf of the DMK, I rise to support the Proclamation and also to express our solidarity with the Government We did not want war, but war has been thrust on us and we take up the challenge to see that our democracy is defended and our territorial rights are preserved. If the military regime in Pakistan feels that they can paralyse our Government by show of arms, we on this side and also the people of Bangla Desh who have based their conviction and their entire living on democratic rights, shall take up the challenge United we stand, united we shall win!

श्री अटल बिहारी वाजपेयी (ग्वालियर) अध्यक्ष जी, हम एक राष्ट्रीय संकट की छाया में एकत्र हुए हैं । पाकिस्तान ने हमारे ऊपर युद्ध थोप दिया है । बंगला देश में मुक्ति वाहिनी की निरन्तर सफलता से दुनिया का ध्यान हटाने के लिये और इस भूखण्ड में अन्तर्राष्ट्रीय दबाव को आमन्त्रित करने के लिये पाकिस्तान ने हमारी सुरक्षा, अखण्डता और हमारी स्वाधीनता को चुनौती दी है । यह चुनौती भी है और महान अवसर भी है । हम अग्नि परीक्षा में से गुजर रहे हैं, कोई कारण नहीं है कि हम इस अग्नि परीक्षा से कुन्दन बन कर न चमकें । कोई कारण नहीं है कि हम अपनी सीमा की सुरक्षा न करें और पाकिस्तान के शासकों को ऐसा पाठ पढ़ायें जिसे वह जिन्दगी भर न भुला सके ।

आज मैं पार्टी की ओर से बोलने के लिये तैयार नहीं हूं । अब तो सारा देश एक पार्टी है। राजनीति के मतभेद भुलाकर छोटी-छोटी चीजों को ताक पर रख कर सारे देश को कन्धे से कन्धा लगा कर और कदम से कदम मिला कर विजय के लिये आगे बढ़ना होगा । यह संघर्ष जितने बलिदान की मांग करेगा, वे बलिदान दिये जायेंगे, जितने अनुशासन का तकाजा होगा, यह देश उतने अनुशासन का परिचय देगा । कोई कारण नहीं है कि हम इस संकट की घड़ी में उस राष्ट्रीय संकल्प का परिचय न दें जो राष्ट्रीय संकल्प ऐसे अवसरों पर आवश्यक हुआ करता है ।

अध्यक्ष जी आप मुझे क्षमा करें, कोई यह न कहे कि मैं भावनाओं को उभारना चाहता हूं, युद्ध है, अगर सीमा पर आक्रमण है, तो देश की जनता को युद्ध के प्रयत्नों से जोड़ना होगा । हम उन्माद पैदा न करें, मगर लोगों की देशभक्ति को जगा कर हर एक में यह भाव भरना होगा कि जो काम वह कर रहे हैं, उसको ठीक तरह से करें, मोर्चे पर खड़े रहिये, जवान सीमा पर मोर्चा संभालेगा और हम घरेलू मोर्चे को संभालेंगे, किसी तरह का उपद्रव नहीं होने देंगे, किसी तरह की साम्प्रदायिक अशान्ति पैदा नहीं होने देंगे ।

अध्यक्ष महोदय, माताएं जिस दिन के लिये बच्चों को जन्म देती हैं आज वह दिन आ गया है । बहनें जिस दिन के लिये भाइयों के हाथों से राखी बांधती हैं आज वह दिन आ गया है।

अगर पाकिस्तान यह समझता है कि धोखे से हमला कर के वह हमें गफलत में पकड़ सकता है तो यह पाकिस्तान की भूल, है । दुनिया ने देख लिया कि हमलावर कौन है और अब हमलावर को हमारे जवान मुंह-तोड़ उत्तर दे रहे हैं ।

हम आशा करते हैं कि इतिहास को बदलने की इस घड़ी का दायित्व जिन के हाथों में है और प्रधान मंत्री जी इस संकट की घडी में देश को नेतृत्व देने के लिये सामने आ रही हैं हम चाहते हैं कि यह देश विजयी हो और प्रधान मंत्री जी के नेतृत्व में हम एक नये इतिहास का निर्माण करें ।

मैं चाहता हूं—अध्यक्ष जी, इस आक्रमण के काल में यह पार्लियामेन्ट याहिया खां के खिलाफ एक हथियार के रूप मे इस्तेमाल की जा सकती है । पाकिस्तान मे पार्लियामेन्ट नही है, पाकिस्तान की सरकार को जनता का समर्थन नही है, यहा जनता के प्रतिनिधि बैठे है और दुनिया देख रही है और आगे भी देखेगी कि इस देश मे सकट की घडी मे एक हो कर प्रत्युत्तर देने की सामर्थ्य है ।

मै यह भी चाहूगा कि युद्ध के प्रयत्नो मे सभी को सहभागी बनाने के लिये योजनाये तैयार की जाये, अलग-अलग काम दिये जाये और देश मे ऐसा वातावरण उत्पन्न किया जाय कि हम इस युद्ध मे विजयी हो कर निकले ।

आज सकट की घोषणा की गई है, इस का मै समर्थन करू यह तो कहने की आवश्यकता ही नही है । मैं अपने मित्र गोपालन से सहमत नहीं हू कि इस की जरूरत नही थी । पाकिस्तान ने युद्ध का एलान कर दिया है, पाकिस्तान ने अचानक हमला किया है, ऐसे अवसर पर हम किसी तरह की ढुल-मुल नीति दिखलाये, इस का सवाल ही पैदा नही होता है । सकट की स्थिति की घोषणा की गई है, यह सदन उस का पूरा समर्थन करेगा और भविष्य में भी देश के लिये जो कदम उठाये जायेंगे, देश की सुरक्षा के लिये और आक्रमण का मुह तोड़ उत्तर देने के लिये, उन में यह सदन पूरा समर्थन देगा और सारा देश एक व्यक्ति के नाते इस चुनौती का उत्तर देने में कामयाब होगा ।

SHRI SHYAMNANDAN MISHRA (Begusarai) : Mr. Speaker, Sir, on behlaf of my party I am here to say today that we are one, unbreakably one, as a nation against the aggressor. Today we recognise no differences amongst ourselves, except the differences against the aggressor and his allies. We might have had some differences in the past but they not only pale into insignificance now but disappear completely for the moment.

Today to my mind there is only one task before the nation and that is to meet effectively the challenge of the aggressor. And there is only one way of doing it, namely, complete and unshakable unity under one leader. There is only one way of sustaining and maintaining it, namely, to steer clear of all narrownesses and petinesses at the moment.

Sir, this is going to be a cold and calculated war so far as the aggressor is concerned. The aggressor had given us a ten-day notice. I think, President Yahya Khan has been as true as his word.

He had told his country that in ten days' time he would be off to a front. Now let me say on behalf of this country that today the whole nation is in the battle-dress against the aggressor.

If President Yahya Khan thinks that he had been a general and our Prime Minister has not been a general, I must say that the Prime Minister does not only represent the velvet in the nation but also steel and the granite in it and she would be acting like Durga on our behalf if there is a general from that side.

We have been brought up in the peaceful traditions bequeathed to us by Mahatma Gandhi. We had never thought that we would be aggressors at any time. We had never conceived our role as an aggressor at any time. But we have been victim of aggression perhaps for the fourth time by

[Shri Shyamnandon Mishra]

Pakistan. All the aggressions in the past had been repulsed by India but let me hope that this aggression would be more decisively repulsed so that the aggressor does not have the courage to do it again in future.

Let us also be aware that the international community also must be fully ready with a battery of steps that it might take. Some other important countries too might be ready with many good offices that they might like to offer. With full awareness of all this I have no doubt that our country will face up to this task with determination undiminished by any circumstances, and the Government will face up to this task with faith, confidence and fortitude of which the Prime Minister spoke in her broadcast last night.

I have no doubt that the whole country, in whatever sections of the community we might be divided for other purposes, is going to rise as one man today and whatever tasks are assigned to us would be accomplished with perfection We would not be satisfied with anything less than perfection in every field of life

With these words, Mr Speaker, I assure the Government of full support and cooperation on behalf of my party In fact, it would sound trite but it is indeed important to emphasize that we are going to do all the best we can in the effort that would be required to mobilise the country against the aggressor

SHRI FRANK ANTHONY (Nominated—Anglo-Indians) Mr Speaker, Sir, I have the privilege to associate the Members of the United Independent Group with the sentiments that have fallen from the spokesmen of the other Groups.

Only the other day, at the lunch you gave I told Senator Frank Church of America that I expected the Pakistani military junta to attack us in a few days. He asked me my reasons and I told him that the unspeakable atrocities of the Islamabad butcher were coming home to roost and that he must have realised that he and his mercenaries could not hold on in Bangla Desh but that like every military dictator he had to save face and he could only save face by attacking us And it has come

The spokesmen and representatives of every Party and Group in this House have pledged their unwavering, unstinted support to the Prime Minister and the Government in this hour of national crisis. But I think we are also at one on this that this time there cannot be and there must not be another Tashkent

The Security Council, the Governments of leading nations have looked on mutely with almost cynical inhumanity while the Islamabad butcher and his mercenaries were massacring more than a million innocent men, women and children, and committing mounting aggression against India by driving out over 10 million people on to our territory

Indeed, some Governments seem to have the temerity to tell us not even to defend our borders but to withdraw our troops while they were, in fact, abetting in word and deed this greatest genocide in history I believe but for the abetment of genocide that even the Islamabad butcher would not have dared to declare a full scale war on India as he has done The world knows the restraint that India has exercised. It knows that the Prime Minister had the capacity and strength to keep India on the leash for a considerable time in spite of all this mounting aggression

For the nation and, indeed, for every Indian, this war will be a test of character. It may be a long war; the sacrifice and suffering, as in every war, will be great But we are fortified in the knowledge that we are fighting an evil military dictatorship whose hands are dripping with innocent

blood and, above all, we are fortified in the knowledge that we are fighting not only for our country but for a supremely worth while way of life for democracy and secularism while will be demonstrated by every Indian, irrespective of caste, creed and community, standing shoulder to shoulder in order to defeat the blood-drenched militarist madmen of Islamabad.

SHRI P. K. DEO (Kalahandi) : Mr. Speaker, Sir, I deem it a proud privilege to speak on this momentous occasion in India's history. I support the Proclamation of Emergency and condemn the unprovoked, shameless, blatant, naked, Pakistani aggression on India in bombing and strafing on our civilian population.

This will go down in the history of the world as the aggression of the worst kind on a peace-loving people. The action taken by Pakistan brings into insignificance even the unprovoked Japanese attack on the Pearl Harbour.

We mean all well to the people of Pakistan It is the desperate military clique led by Yahya Khan which does not understand the democratic values and committed genocide on its own people that has waged war on India.

If India has done anything, it is that India has saved the life and has given shelter on humanitarian and compassionate grounds to ten million destitutes of Bangla Desh

On this occasion, the country will rise to the occasion and will stand as one man behind the Prime Minister. The Swatantra Party pledges its full support and solidarity to the Government and appeals to the people to temper their spirit as steel and to be prepared to give sweat and blood and be prepared for the supreme sacrifice for the preservation of freedom and national honour of the country.

हतो वा प्राप्स्यसि स्वर्गं जित्वा वा भोक्ष्यसे महीम्

I appeal to the Government not to repeat the folly of 1949 or 1965 of a cease-fire but to be properly insulated against all sorts of pressure and bring this conflict to its logical conclusion. The logical conclusion will be nothing but victory.

Sir, truth and righteousness is on our side. God is on the side of truth and righteousness. We have got the best of the fighting men and material which any country could be proud of. So, victory will be on our side.

Lastly, I remind.

यत्र योगेश्वर कृष्णो यत्र पार्थो धनुर्धर
तत्र श्रीर्विजयो भूतिर्ध्रुवा नीतिर्मतिर्मम ॥

SHRI SAMAR GUHA (Contai) : The badlamite military dictator of Pakistan has thrown the challenge before our nation. It is a challenge to defend our national honour, to defend our national security, to defend all the cherished values for which our freedom is to-day.

Sir, I have no doubt that the whole nation today will not only accept this challenge but will accept it as a crusade in the defence of the highest values, the values of freedom and democracy which we cherish so high but which are denied to the people of Pakistan

Sir, in this hour of discharging our supreme task, I, on behalf of the Socialist Party of India, place myself and my Party totally to this supreme task of defending our national honour and national security.

It will go down in history that the treacherous aggression committed by Yahya Khan has in a sense raised the soul of India to a new height. It is that India, India of Mahatma Gandhi, India of Pandit Jawahar-

[Shri Samar Guha]

lal Nehru, India of Netaji Subhash Chander Bose, that India which can even take the risk of the whole nation, the risk of immense sacrifices, of immense suffering and the risk of undergoing immense loss in defence of freedom and democracy, wherever it may be endangered, and it has been endangered in a part which by the historic bond and heritage of three thousand years of Indian civilisation was a part and parcel of our nation, was a part and parcel of our old self. Therefore, if we have to take the risk and risk our all in defence of freedom and democracy of Bangla Desh when today the imperialist power the colonialist powers of the world are completely submerged in their old power-politics and in their old parochial and narrow 'isms', the future history of the world, the future history of humanity will say that here was nation which stood for defence of freedom and democracy of a part of a people where a military dictator wanted to butcher and wanted to commit one of the heinous crimes that world history had ever seen.

Today, the freedom struggle of Bangla Desh has become the freedom struggle of India also. Today, let our friends in Bangla Desh know that now it is not the freedom struggle of 7 5 crores of Bengalis only but of the 55 crores of Indians also The Yahya regime should know that it is a joint struggle in defence of the highest values of freedom and democracy of these 63 crores of people

Already my hon friends have paid a glowing tribute to the freedom-fighters of Bangla Desh. I need not add more because I know that this whole House, the whole Parliament and the whole Indian nation today is one in paying glowing tribute to the freedom-fighters of Bangla Desh, is one in committing ourselves to their highest cause and to their destiny

I would like to add only one more word for the Prime Minister. Today, she is not an individual; she is not the leader of a party only, she is not even the Prime Minister of India only, she is the flaming sword of the national, personality of our country today The whole nation will do everything possible to see that this flaming sword of the Mahashakti—the people of India believe in the cult of Mahashakti—will not remain content merely with repelling Pak aggression, will not remain content merely with defending our national border only, but for good and for ever crush that machinery, that war machinery, that barbarous savage machinery of the Pak dictatorship which is geared to crush the freedom and democracy of the people of Bangla Desh

A snake half-beaten is dangerous A snake is to be beaten and is to be beaten completely and for good, and we want that the snake of Yahya Khan should be beaten and beaten completely

I want to conclude with this observation In this supreme hour, let us take the pledge that was taken by Netaji Subhas Chandra Bose during the freedom struggle of India he raised three basic mantrams for the freedom fighters in those days He used the words इत्तफाक, इत्तहाद और कुर्बानी Unity, Faith and sacrifice, unity of the people, faith in our highest values and supreme sacrifice to fulfil those two objectives

My other friends who spoke have put the argument· let Bangla Desh be recognised By recognising Bangla Desh, let the world know it definitely that we, the Indian people, are ready to risk everything in defence of freedom and democracy

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) . Mr. Speaker, Sir, at this momentous hour, I rise in this House to very unequorocally condemn the unprovoke

naked, Pakistani aggression against our sacred country. I also support the Proclamation of Emergency by the President of my motherland.

Sir, today the country is passing through a very critical period in its history. At this critical juncture, let me declare in very clear terms to be understood by everybody inside my country and outside that the Mussalmans of this country, 8 crores of them, are prepared to fight and even sacrifice their lives, standing shoulder to shoulder with their brethren for the security, honour and integrity of the mother country.

Sir, in the past our country has passed through oceans of blood and fire. Today also such a situation has come, and God willing, we will come out with flying colours, in the present struggle also.

I say all this not because of fear from any quarter, not because I want favour from anybody, but because love of our country, defence of our country, is an article of faith as far as the Mussalmans are concerned. Therefore, let me agree with my respected colleague in Parliament, the leader of the Jan Sangh, Shri Vajpayee, that today we have no party differences. Today we have one party, the Indian Nation, and one leader, Shrimati Indira Gandhi, the Prime Minister of India.

On behalf of my Party, the Indian Union Muslim League, I pledge full support to my country, my Government and my people. I also wish all success to the fighting forces of my country.

श्री एस० ए० शमीम (श्री नगर) : अध्यक्ष महोदय, इस सदन ने और इस मुल्क ने पिछले पच्चीस बरसों में बड़े ही नाजुक और तारीखी फैसले किये हैं और वाकयात की निशानदेही की है, लेकिन गालिबन इस मुल्क की तारीख में आज का लमहा सब से ज्यादा नाजुक और सब से ज्यादा तारीखी लमहा है। इस से पहले हम ने लड़ाइयां लड़ी हैं अपने मुल्क की हिफाजत के लिये, अपने सालमियत के लिये, लेकिन आज की लड़ाई का किरदार उस से मुखतलिफ है। आज हम सिर्फ अपने मुल्क की हिफाजत के लिये ही लड़ाई नहीं लड़ रहे हैं, हम बंगलादेश के लिये भी लड़ाई लड़ रहे हैं, आज हम सिर्फ अपने मुल्क की आजादी की लड़ाई नहीं लड़ रहे हैं बल्कि मगरबी पाकिस्तान की गुलाम अवाम की आजादी की लड़ाई लड़ रहे हैं। यकीन कीजिये, इस लड़ाई में सिर्फ हिन्दुस्तान के 55 करोड़ लोग ही नहीं, बल्कि तमाम आलमी इन्सानियत और खास तौर पर मगरबी पाकिस्तान की कुचली हुई अवाम भी आप के साथ शामिल हैं, जो पिछले पच्चीस बरसों से यहिया खां और अयूब खां की मिलिटरी मशीन में पिसे जा रहे हैं।

इस लिये मैं समझता हूं कि आज की लड़ाई सिर्फ सरहदों की लड़ाई नहीं है, आज की लड़ाई उन ख्वाबों की हिफाजत की लड़ाई है जो ख्वाब महात्मा गांधी ने देखे थे, जवाहरलाल नेहरू ने देखे थे और मार्टिन लूथर किंग ने देखे थे। इस लड़ाई की सरहदें फाजिल्का पर खत्म नहीं होती हैं, कश्मीर पर खत्म नहीं होती हैं, इस की सरहदें आप को वियटनाम के साथ मिलती हुई दिखलाई देंगी। रोडेशिया के कुचले हुये अवाम की लड़ाई और इस लड़ाई का आपस में गहरा संबंध है। इस लिये मैं चाहता हूं मुल्क के अवाम इस लड़ाई की अहमियत को समझें।

मैं इस ऐवान के सामने एक खास हैसियत से भी बोलना चाहता हूं। मेरा ताल्लुक मुल्क की उस रियायत से है जिस रियायत पर पाकिस्तान की हरीसाना निगाहें आज पिछले पच्चीस बरसों से उठी हुई हैं। मैं अपने आप को काबिले फख्र समझता हूं कि आज भी जो सबसे पहली निगाह हरीस की पड़ी है वह मेरी रियासत पर गई है और सब से पहला हवाई हमला श्रीनगर पर हुआ है। मैं इस ऐवान को, इस मुल्क को और तमाम उस जनता को, दुनिया भर की जनता को, जो जुल्म के खिलाफ, जहां भी वह हो, लड़ रही हैं, यह यकीन दिलाना चाहता हूं कि जिस तरह

[श्री एस० ए० डांगे]

कश्मीर की अवाम ने माजी में पाकिस्तानी हमले का ही नहीं, पाकिस्तानी तरक्कीवों का और नापाक साजिशों का मुकाबला किया, इस अहम तारीखी जंग में कश्मीर की बहादुर और गयूर अवाम पाकिस्तान की फौजी मशीनरी को ही नहीं बल्कि पाकिस्तान के नजरिया एहमात को हिला कर रख देंगी।

पाकिस्तान ने दावा किया था, और पाकिस्तान की बुनियाद उस नजरिये पर कायम है, कि मुसलमान अपने हिन्दू भाइयो के साथ नहीं रह सकते। यह तवारीख का बहुत बडा आलमिया है कि पच्चीस वर्ष से इस देश के कुछ नेताओ ने इस गलत मान्यता, इस गलत हकीकत को मान लिया था। आज मुसलमानो के लिये सब से ज्यादा अहम जिम्मेदारी का सबक है। मैं फर्क नही करता, लेकिन आप लोग मुझ से इत्तफाक करेंगे कि मुसलमान के लिये लड़ाई किसी हद तक, नाजुकतर है। आप की एक मुल्क के साथ लडाई है, लेकिन हमें बहकाने के लिये, में तरगीबे देने के लिये पाकिस्तान का सिपाही हाथ में कुरान ले कर आता है, हमे बहकाने के लिये खुदा और रसूल का नाम लिया जाता है। हमारी जुर्रत का इम्तहान, ईमानदारी का इम्तहान, हमारी गैरत का इम्तहान यह है कि हम इस धोखे में नही आते। यह कोई आसान बात नहीं है। मुसलमान खुशकिस्मत है, खुशबख्त है, आज एक बार फिर यह साबित करने का मौका मिला है कि इन्सानियत की आला कद्रों पर उस का विश्वास है, वह मजहब को जुदाई की दीवार नही समझता, आपस मे भाईचारे की जिन्दगी गुजारने का अहम दरवाजा समझता है।

मैं वजीरआजम के मुखातिब हो कर खास तौर से कहना चाहता हूं कि मुझे जाती तौर पर, मेरी कांस्टिट्एंसी को, मेरी रियायत को उन से एक नहीं, एक हजार शिकवे हैं, इस हुकूमत से एक नही एक लाख शिकवे हैं, लेकिन वह सारे शिकवे, सारी शिकायतें, हरवे गलत मिट गई जिस वक्त पाकिस्तानी हवाई जहाजों ने परवाज कर के हमारी एरिया पर बम गिराने की कोशिश की। जब तक पाकिस्तान को इस लड़ाई में कैसलाकुन शिकस्त नहीं मिलती, हमारी तमाम शिकायतें जमीन के नीचे दफन हैं, और मैं समझता हूं कि जब मैं अपनी बात करता हूं तो उन तमाम लोगों की तरफ से बात करता हूं जिन को प्राइम मिनिस्टर से और उन की जमात से शिकायत है।

श्री वाजपेयी ने ठीक कहा कि आज इस मुल्क में कोई जमात नही है, और मुझे खुशी है कि मेरी भी कोई जमात नहीं है। चूंकि मेरी कोई जमात नहीं है, आज आप सब लोग इंडेपेन्डेंट हो गये हैं। लेकिन इस इंडेपेन्डेंस मे आपका इतिहास और आप की जो भावना है वह एक नुक्ते पर मरकूज है कि दुश्मन ने हमला किया है और दुश्मन को जवाब दिया जायेगा।

यहां बहुत जजबाती तकरीरें हुई हैं। मौका ही ऐसा था कि जजबाती तकरीरें होनी चाहिये थी, लेकिन एक बात की तरफ मै आप की तवज्जह दिलाना चाहता हू कि जग बहुत बडी खतरनाक चीज होती है। यह सिर्फ महाजो मे नही लडी जाती, आप के घरो में भी लडी जायेगी। आप अन्दाजा कीजिये कि बम जब गिरेंगे तो आप के पड़ोस ही मे नही, आप के मकान के ऊपर भी गिर सकते हैं। अभी से आप नन्हे-नन्हे बच्चो को तैयार कीजिये खतरे के लिये। आप बहिया खां से नही लड रहे हैं। उस की हकीकत क्या है, उस का वजूद कहां है। मैं आज मुबालगा नही कर रहा हू कि आप प्रेजिडेंट निक्सन से लड रहे हैं, मैं मुकाबला नही कर रहा हू कि आप चीनी जाहरियत के खिलाफ लड रहे हैं, और आज हिन्दुस्तान की फतेह, हिन्दुस्तान की कामयाबी और कामरानी इस बात में है कि लडाई जो वह है महज अपनी जान के लिये नही लड रहा है, तमाम दुनिया के लिये लड रहा है। यह सही है कि चाइना, अमरीका और पाकिस्तान के अगोड़े फौजी हुकमरान एक साथ मिल कर हम पर वार कर रहे हैं। यह हमारी खुशबख्ती है। इस सदी, इस दौर की खुशबख्ती है कि तारीख ने हमें इस कडी आजमाइश में डाल दिया। इस नाजुक इम्तहान में डाल दिया है कि आने

वाली नस्लें जब इस दौर की तारीख को याद करेंगी तो यह कह कर याद करेंगी कि यह वह तरमाया, यह फख्र उसी नस्ल को हासिल था जिसने पाकिस्तान की जगरिफ्यत को ही नहीं, बल्कि उस नजरिये को भी शिकस्त दी जिसने हिन्दू और मुसलमान के दर्म्यान तफरीक करना चाहा, जिस ने मजहब के नाम पर खून बहाया और जब वह साफ हो गया उस वक्त मजहब का फर्क नहीं रहा। तब मुसलमान ने मुसलमान के खिलाफ गोली चलाई, याहिया खां के फौजी सिपाहियों ने मुजीबुलरहमान को जो याहिया खां के मुकाबिले पाच हजार गुना सही और सच्चे मुसलमान है, उस पर गोलिया चलाई। यह सबक मुसलमानों ने सही तौर पर समझा। मैं उन दोस्तो से जिन्होंने माजी मे मुसलमानो की नीयत पर शक किया है, एक मुअदबाना गुजारिश करना चाहगा। बहुत हो चुका जो माजी मे हो गया। हमारी रूह इस मामले में जख्मी हो चुकी है, हमारा वजूद भी जख्मी हो गया है। हम अपनी जवांमर्दी और वफादारी का सबूत दे चुके हैं। वफादारी नाम की कोई चीज नही होती है, कोई सवाल नही होता है जब आप एक मुल्क के बाशिंदे होते हैं। हमने अपनी जवामर्दी का सबूत अब्दुल खलील के रूप मे दिया है। आज एक और इम्तहान का हमे मौका दीजिये। आप मौका दीजिये इस मुल्क के अव्वाम की उन शरपसन्द कुव्वतो का मुकाबला करने के लिये जो पाकिस्तान के साथ हमारी इस लडाई मे कोशिश करेगी कि इसको फरको की लड़ाई बना दिया जाये। बहुत से दोस्तो ने इस खतरे का इजहार किया है। लेकिन मैं खास तौर पर इसको कहना चाहता हूं। पाकिस्तान ने अपना सारा जोर एक ही बात पर लगाया है। मैं कल से रेडियो पाकिस्तान बराबर सुन रहा हू। उस पर सिर्फ इस्लाम का नाम लिया जा रहा है। मुसलमानो को खास तौर पर तीर किया जा रहा है। मुझे यकीन है दानिशमन्द, सियासतदां, जवांमर्द मुसलमान लोग इस साजिश का शिकार नही होंगे।

आखिर में एक शेर अर्ज करना चाहता हू अपनी खुशबख्ती पर नाज करते हुये यह कतवा बुलन्द मिला जिसको मिल गया पाकिस्तानी तोपों के दहाने हमारी तरफ हों, यह हमारे लिये फख्र की बात है। खून और जुल्म की तोप है।

यह कतवा बुलन्द मिला जिस को मिल गया
हर मुदई के वास्ते दारे रसन कहा।

आपको मेरी हिमायत की जरूरत नहीं लेकन मुझे आपके तआवुन की जरूरत है।

शरी ایس اے شمیم (سری نگر) : ادھیکشمہودے - اس سدن نے اور اس ملکنے پچھلے پچیس برسوں میں بڑے ہی نازک اور تاریخی فیصلے کئے ہیں - اور واقعات کی نشاندھی کی ہے - لیکن غالباً اس ملک کی تاریخ میں آج کا لمحہ سب سے زیادہ نازک اور سب سے زیادہ تاریخی لمحہ ہے - اس سے پہلے ہم نے لڑائیاں لڑی ہیں اپنے ملک کی حفاظت کے لئے - اپنی سلامیت کے لئے لیکن آج کی لڑائی کا کردار اس سے مختلف ہے - آج ہم صرف اپنے ملک کی حفاظت کے لئے ہی لڑائی نہیں لڑرہے ہیں - ہم بنگلہ دیش کےلئے بھی لڑائی لڑ رہے ہیں - ہم صرف اپنے ملک کی آزادی کی لڑائی نہیں لڑ رہے ہیں بلکہ مغربی پاکستان کی غلام عوام کی آزادی کی لڑائی بھی لڑرہے ہیں - یقین کیجئے اس لڑائی میں صرف ہندوستان کے ۵۰ کروڑ لوگ ہی نہیں بلکہ تمام عالمی انسانیت اور خاص طور پر مغربی پاکستان کی کچلی ہوئی عوام بھی آپکے ساتھ شامل ہے - جو پچھلے ۲۵ سالوں سے یحیے خان اور ایوب خان کی ملٹری مشین سے لڑ رہے ہیں -

اس لئے میں سمجھتا ہوں کہ آج کی لڑائی صرف سرحدوں کی لڑائی نہیں ہے - آج کی لڑائی

[شری ایس ۔ اے ۔ شمیم]

پاکستان نے دعوہ کیا تھا اور پاکستان کی بنیاد اس نظریے پر قایم ہے کہ مسلمان اپنے ہندو بھائیوں کے ساتھ نہیں رہ سکتے ۔ پھر یہہ تاریخ کا بہت بڑا عالمیہ ہے کہ پچیس برس سے اس دیش کے کچھ نیتاؤں نے اس غلط ماخوذے ۔ اس غلط حقیقت کو مان لیا تھا ۔ آج مسلمانوں کے لئے سب سے زیادہ اہم ذمےداری کا سبق ہے ۔ میں فرق نہیں کرتا ۔ لیکن آپ لوگ مجھ سے اتفاق کرینگے کہ مسلمان کے لئے لڑائی کسی حد تک نازک تر ہے ۔ آپ کی ایک ملک کے ساتھ لڑائی ہے ۔ لیکن ہمیں بہکانے کے لیے ۔ ہمیں ترغیبیں دینے کے لئے پاکستان کا سپاہی ہاتھ میں قرآن لیکر آتا ہے ۔ ہمیں بہکانے کے لئے خدا اور رسول کا نام لیا جاتا ہے ۔ ہماری جرأت کا امتحان ۔ ایمانداری کا امتحان ۔ ہماری غیرت کا امتحان یہہ ہے کہ ہم اس دھوکے میں نہیں آنے ۔ یہہ کوئی آسان بات نہیں ہے۔ مسلمان خوش‌قسمت ہے ۔ خوش بخت ہے ۔ آج ایک بار پھر یہہ ثابت کرنے کا موقعہ ملا ہے کہ انسانیت کی عالمی قدروں پر اس کا وشواس ہے ۔ وہ مذہب کو جدائی کی دیوار نہیں سمجھتا ۔ آپس میں بھائی چارے کی زندگی گزارنے کا اہم دروازہ سمجھتا ہے ۔

میں وزیراعظم سے مخاطب ہوکر خاص طور سے کہنا چاہتا ہوں کہ مجھے ذاتی طور پر میری کانسٹیٹیونسی کو ۔ میری ریاست کو ان سے ایک نہیں ایک ہزار شکوے ہیں ۔ اس حکومت سے ایک نہیں ایک لاکھ شکوے ہیں ۔ ان خوابوں کی حفاظت کی لڑائی ہے جو خواب مہاتما گاندھی نے دیکھے تھے ۔ جواہرلال نہرو نے دیکھے تھے ۔ اور مارٹن لوتھر کنگ نے دیکھے تھے اس لڑائی کی سرحدیں فاضلکہ پر ختم نہیں ہوتی ہیں ۔ کشمیر پر ختم نہیں ہوتی ہیں ۔ اس کی سرحدیں آپ کو ویٹنام کے ساتھ ملتی ہوئی دکھائی دینگی ۔ رڈیشیا کے کھلے ہوئے عوام کی لڑائی اور اس لڑائی کا آپس میں گہرا سمبندھ ہے ۔ اس لئے میں چاہتا ہوں ملک کے عوام اس لڑائی کی اہمیت کو سمجھیں ۔

میں اس ایوان کے سامنے اس خاص حیثیت سے بھی بولنا چاہتا ہوں ۔ میرا تعلق ملک کی اس ریاست سے ہے جس ریاست پر پاکستان کی حریصانہ نگاہ آج پچھلے پچیس برسوں سے اٹھی ہوئی ہے ۔ میں اپنے آپ کو قابل فخر سمجھتا ہوں کہ آج بھی جو سب سے پہلی نگاہ حریص کی پڑی ہے ۔ وہی میری ریاست پر گئی ہے ۔ اور سب سے پہلا ہوائی حملہ سری‌نگر پر ہوا ہے ۔ میں اس ایوان کو اس ملک کو اور تمام اس جنتا کو دنیا بھر کی جنتا کو جو ظلم کے خلاف جہاں بھی وہ ہو لڑ رہی ہے ۔ یہ یقین دلانا چاہتا ہوں کہ جس طرح کشمیر کے عوام نے ماضی میں پاکستانی حملے کا ہی نہیں پاکستانی باغیوں کا اور ناپاک سازشوں کا مقابلہ کیا ۔ اس اہم تاریخی جنگ میں کشمیر کی بہادر اور غیور عوام پاکستان کی فوجی مشینری کو ہی نہیں بلکہ پاکستان کے نظریہ احساس کو ہلا کر رکھ دینگی ۔

کا وجود کہاں ہے ۔ میں آج معالفہ نہیں کر رہا ہوں کہ آپ پریزیڈنٹ نکسن سے لڑ رہے ہیں ۔ میں معالفہ نہیں کر رہا ہوں کہ آپ چینی جاہریت کے خلاف لڑرہے ہیں ۔ اور آج ہندوستان کی فتح اور ہندوستان کی کامیابی اور کامرانی اس بات میں ہے لڑائی جو ہے وہ محظ اپنی ذات کے لئے نہیں لڑ رہا ہے ۔ تمام دنیا کے لئے لڑ رہا ہے ۔ یہ صحیح ہے کہ چائینا امریکہ اور پاکستان کے یہ نگوڑے فوجی حکمران ایک ساتھہ ملکر ہم پر وار کررہے ہیں ۔ یہ ہماری خوشبختی ہے ۔ اس صدی ۔ اس دور کی خوشبختی ہے کہ تاریخ نے ہمیں اس کڑی آزمائیش میں ڈال دیا ۔ اس نازک امتحان میں ڈال دیا ہے کہ آنے والی نسلیں جب اس دور کی تاریخ یاد کرینگی کہ یہ سرمایہ ۔ یہ فخر اس نسل کو حاصل تھا جس نے پاکستان کی جاہریت کو ھی نہیں بلکہ اُس نظریے کو بھی شکست دی جس نے ہندو اور مسلمان کے درمیان تفریق کرنا چاہا ۔ جس نے مذہب کے نام پر خون بہایا ۔ اور جب وہ صاف ہو گیا اس وقت مذہب کا فرق نہیں رہا تب مسلمان نے مسلمان کے خلاف گولی چلائی ۔ یحیے خان کے فوجی سپاہیوں نے مجیب‌الرحمان کو جو یحیے خان کے مقابلے پانچ ہزار گنا صحیح اور سچے مسلمان ہیں اس پر گولیاں چلائیں ۔ یہ سبق مسلمانوں نے صحیح طور پر سمجھا ۔ میں ان دوستوں سے جنھوں نے ماضی میں مسلمانوں کی نیت پر شک کیا ہے ۔ ایک مودبانا گزارش کرنا چاہوں گا ۔ بہت ہو چکا جو ماضی میں ہو گیا ۔ ہماری روح اس معاملے میں زخمی ہو چکی ہے ہمارا لیکن وہی سارے شکوے ۔ ساری شکایتیں حرف غلط مٹ گئیں جس وقت پاکستانی ہوائی‌جہازوں نے پرواز کرکے ہمارے ایریا پر بم گرانے کی کوشش کی ۔ جب‌تک پاکستان کو اس لڑائی میں فیصلہ کن شکشت نہیں ملتی ہماری تمام شکایتیں زمین کے نیچے دفن ہیں ۔ اور میں سمجھتا ہوں کہ میں جب اپنی بات کرتا ہوں تو ان‌تمام لوگوں کی طرف سے بات کرتا ہوں جن کو پرائیم‌منسٹر سے اور ان کی جماعت سے شکایت ہے ۔

شری واجپائی نے ٹھیک کہا کہ آج اس ملک میں کوئی جماعت نہیں ہے ۔ اور مجھے خوشی ہے کہ میری بھی کوئی جماعت نہیں ہے ۔ آج آپ سب لوگ انڈیپینڈنٹ ہو گئے ہیں لیکن اس انڈیپینڈینس میں آپ کا ہو انہیاس اور آپ کی جو بھاونا ہے وہ ایک نقطے پر مرکوز ہے کہ دشمن نے حملہ کیا ہے اور دشمن کو دبا دیا جائے گا ۔

یہاں بہت جذباتی تقریریں ہوئی‌ہیں ۔ موقعہ ھی ایسا تھا کہ جذباتی تقریریں ہونی چاہئیں تھیں ۔ لیکن ایک بات کی طرف میں آپ‌کی توجہ دلانا چاہتا ہوں کہ جنگ بہت بڑی خطرناک چیز ہوتی ہے ۔ یہ صرف محازوں میں نہیں لڑی جاتی ۔ آپ‌کے گھروں میں بھی لڑی جائینگیں ۔ آپ اندازہ کیجئے کہ بم جب گرینگے تو آپ‌کے پڑوس میں ھی نہیں آپ‌کے مکان کے اوپر بھی گر سکتے ہیں ۔ ابھی سے آپ اپنے ننھے ننھے بچوں کو تیار کیجئے خطرے کے لئے ۔ آپ یحیے خان سے نہیں لڑرہے ہیں ۔ اس کی حقیقت کیا ہے ۔ اس

[شری ایس ۔ اے ۔ شمیم]

وجود بھی زخمی ہو گیا ہے ۔ ہم اپنی جوانمردی اور وفاداری کا ثبوت دے چکے ہیں ۔ وفاداری نام کی کوئی چیز نہیں ہوتی ہے ۔ کوئی سوال نہیں ہوتا ہے ۔ جب آپ ایک ملک کے باشندے ہوتے ہیں ۔ ہم نے اپنی جوانمردی کا ثبوت عبدالخلیل کے روپ میں دیا ہے ۔ آج ایک اور امتحان کا ہمیں موقعہ دیجئے ۔ آپ موقعہ دیجئے اس ملک کے عوام کو ۔ ان شرپسند قوتوں کا مقابلہ کرنے کے لئے جو پاکستان کے ساتھ ہماری اس لڑائی میں کوشش کریںگی ۔ اس کو پھر کچلنے کرن کی لڑائی بنا دیا جائے ۔ بہت سے دوستوں نے اس خطرے کا اظہار کیا ہے ۔ لیکن میں خاص طور پر اس کو کہنا چاہتا ہوں ۔ پاکستان نے اپنا سارا زور ایک ہی بات پر لگایا ہے ۔ میں کل سے ریڈیو پاکستان برابر سن رہا ہوں اس پر صرف اسلام کا نام لیا جا رہا ہے ۔ مسلمانوں کو خاص طور پر سر کیا جا رہا ہے ۔ مجھے یقین ہے ۔ دانشمند ۔ ساسدان جوانمرد مسلمان لوگ اس سازش کا شکار نہیں ہونگے ۔

آخر میں ایک شعر عرض کرنا چاہتا ہوں اپنی خود بختی پر نازکرتے ہوئے

یہ رتبہ بلند ملا جس کو مل گیا

پاکستانی توپوں کے دہانے ہماری طرف ہوں یہ ہمارے لئے فخر کی بات ہے ۔ خون اور ظلم کی نوید ہے ۔

یہ مرتبہ بلند ملا جس کو مل گیا
ہو مدعی کے واسطے دارے رسن کہاں

آپ کو میری حمایت کی ضرورت نہیں لیکن مجھے آپ کے تعاون کی ضرورت ہے۔

MR. SPEAKER : Many other hon. Members are very keen to speak and they are sending me so many chits. I would request them to take one or two minutes. Enough has been said already on it.

SHRI TRIDIB CHAUDHURI (Berhampore) Mr. Speaker, I join my voice to the unanimous declaration of support that has been expressed in this House today on this historic occasion for the proclamation of national emergency and the declaration of national determination to fight a war that has been forced on us, upto the last.

This is a moment, not of words but of action. So, I do not want to inflict a long speech in this House. But I would be failing in my duty if I do not utter a word of caution to the Government and the Leader of the country today, Shrimati Indira Gandhi that this is a war, not only to safeguard the security and territorial integrity of India, this war has inescapably become merged with the war of Independence of Bangla Desh We stand on the threshold of historic decisions. The world has refused to recognise Bangla Desh. The world has refused to see the basic problems of Bangla Desh. Let us also realise that the world has failed to see or understand the problems that India is faced with because of the explosion in Bangla Desh That is why the time has come when Bangla Desh must not only be recognised by India, given diplomatic recognition, but at the same time, the world must be told that this is not a war between India and Pakistan They must also be told in the clearest possible terms that there is another war, the war of the people of Bangla Desh, the war of the People's Republic of Bangla Desh, against the military occupation regime of West Pakistan, and that war also must be fought to the finish, and that India is within her rights to help that war, to help the people of Bangla Desh to win that war.

With these words, I again support the Proclamation of Emergency.

DR. KARNI SINGH (Bikaner) : Pakistan has posed a great challenge before our nation, and it is now up to every Indian citizen to tighten his belt and project a united image before not only Pakistan and the enemy, but the world also. Pakistan, by precipitating this war, has precipitated the recognition of Bangla Desh, and I have no doubt that in a very short while Bangla Desh will be recognised and Pakistan will financially destroy itself, as a result of its own act of aggression and I can only hope that out of the wreck and ruin of Pakistan will emerge as loose-knit confederation of democratic secular States in this region in which India can take the lead.

I would like to say this much that many of us young Members of Parliament are desirous of serving to the best of our ability the defence of our country. It was one of my dreams almost 30 years ago in the World War to join the Air Force, and I would like to offer my services to the Prime Minister to join the Fighter Command of I. A. F.

I find that all hon. Members of the House from different parts have offered their unstinted support to the hon. Prime Minister, and all of us Independents also do likewise, and I sincerely hope that the Prime Minister would also in her wisdom consider the formation of a National Government for the duration of the emergency.

I thank you for giving me time to speak. I would only like to say this much that the speeches of my hon. friend Mr. Shamim and other Muslim friends have convinced the world of what the great Gandhiji and the great Jawaharlal Nehru used to say that India was a secular nation. They have proved that India indeed is a secular nation.

SHRI V. K. KRISHNA MENON (Trivendrum) : The unanimity of the sentiments expressed in this House is not only a proclamation to Pakistan, but to the world, and particularly to that part of the world whose weapons have always been used against us. These expressions have been inspired by sentiments which may appear in the surface to be emotional, but this emotion is a reflection of the firm and resolute will of this nation. If the Prime Minister at any time wanted proof of this, she has had it from the lips of people who, not as professionals but as part of their duty, criticise her in this House.

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There are one or two matters to which I would like to refer at this moment. I do not say my word is the last on this subject. The cease-fire line in Kashmir no longer exists. The cease-fire agreement is dead by the act of aggression. I hope it is for the Government to decide—it is not for us individuals to lay it down—to hand over the exit permits to the members of the UN Observation Commission, because their capacity will now be not to superwise the cease-fire line objectively, but to be the allies of the forces that resist us. In the least, these observers are very much in the way and they might get killed. So, we have a great responsibility. So, we shall ask them to go away or send them away to our guest houses, because there is a tremendous international responsibility. The life of one of these international observers will emotionally surcharge the UN in a way that it forgets all other matters.

Secondly, I heard the Prime Minister say —my hearing is still very good— that Pakistan has declared war against us. I beg of her to verify the statement with great accuracy, because if Pakistan has declared war against us, it is one matter. But if Pakistan has simply said, it has declared a state of war, it is a different matter. De-

[Shri V. K. Krishna Menon]

claration of a state of war is a statement made by the State of Pakistan to its own people and is still undeclared war. But so far as we are concerned, war exists. This is the occasion to hand over the exist permit to the High Commissioner of Pakistan here, which takes away whatever inhibitions there may have been in the way of the recognition of Bangla Desh. That is to say, Pakistan State is no longer a recognised State so far as we are concerned. Of course, if they have declared war against us, there is the end of it That is to say, there is nothing standing in the way But this matter must be cleared, because in the eminent position the Prime Minister occupies, if she says in the House that Pakistan has declared war against us, international opinion will turn round and say, this is an exaggeration Now, it is no exaggeration in fact, but we should not put ourselves in the wrong in this matter. If it is not declared war, it is undeclared war and what is known as pre-emptive war. Pre-emptive war is the most sinful of all things. The decision who to hit and where to hit must remain with the Government and not with the Generals. War is too serious a matter to be entrusted to Generals. Therefore, I have no doubt that the Defence Minister who is otherwise pre-occupied will see to it that where and in which terms to hit is left to be decided by Government and nobody else.

I do hope that today, to morrow or whenever, it is, Bangla Desh should be recognised because that would be a fitting answer to Pakistan, almost as powerful as the lethal blows that we may deliver.

I want to conclude by saying, this is a sorry business. War is a gruesome affair, especially in a population of our size without the necessary equipment for shelters and things of that character, with a nation that has not seen a war on its own soil since the battle of Wandiwash. That is to say, our people, our professional soldiers, have fought in other fields of battle with glory, but on this soil, we have not seen a war. War is a gruesome business, with the black-outs, the fear of bombing, etc. It is a gruesome business. So, there may be no competition amongst us as to who makes the most extreme speeches, because that hits nobody. I want to assure the Prime Minister that I belong to no party Apart from that, there are no differences here ; we are one nation.

Philip of Spain thought in the 16th century because Mary Queen of Scotland, was executed the Catholics would support him when he invaded Britain. But it is the same as what you have heard from the representative of the Muslim League This is one country and one nation and I have no hesitation in saying that today we are under one leader irrespective of her ideologies. I do not believe she would bring socialism to this country. I want to say this quite frankly, because you cannot jump into a ditch and then leap. But that is another matter which we will deal with afterwards. There will be neither socialism nor any ism unless this nation survives The survival of this nation is the most important thing

Coming to war, this country never wanted to wage a war. But when our frontiers beyond the cease-fire line are unfortunately compromised by the action of another country, when another country decides to indulge in border violation and things of that kind I think a new situation arises. Therefore, while we believe in peace at any price we are in the position of an old American President who is reported to have said "I am a man of peace at any price but the present price is war". But, in the present case, we do not have to make a choice ; the enemy has made the choice War action has taken place by the bombing of our air-field for the crippling of our

jawans, not of our striking power. And I have no doubt that in the operations which we are forced to undertake, as Shri Indrajit Gupta has rightly pointed out, we have no quarrel with the people of Pakistan and we do not propose to indulge in, we will make sure that we do not propose to indulge in, the Nazi form of war, the war of exterminating peaceful population. It is only in the extreme circumstances where military targets are bombed—and our firing will never fail——that people will be put to hardship, and that we will not use those deadly weapons called napalm bombs and things like that which cripple young people. If you see people who have been affected by that you would never allow them to be used. These are thing which at this time and on this occasions we should not forget in the enthusiasm of crushing the enemy. I know that the enemy can never be crushed ; if he is crushed he will rise again but we have to pull out those fangs that try to kill us.

I want to say one word about the proclamation of emergency. There is no doubt that a proclamation of emergency is necessary for many legal reasons. Otherwise, government would be faced with very much delay and inconvenience, even though they can indemnify the officials later. But I am sure the Prime Minister will bear in mind a great saying which is said about a great empire and which I say about a great cause : great empires and little minds go together and generosity is seldom the least virtue. Therefore, we should not forget all that. We should go forward, not only the opposition but Members of Parliament belonging to all parties, the entire nation has to go forward together I do not talk of a national government because, after all, the government is a national government. What else is it, except for some of us outside? Therefore, we should not have to spend our time fighting or the policemen guarding our houses or beating young people. These are things which can wait and especially when the war is long-drawn out the government has to consider these things.

Finally, I hope the Prime Minister will at no time heed the counsel of unwsidom which says the Parliament must go. That proceeds on the assumption that Parliament is a luxury which we tolerate. That is not so. Parliament is a necessary establishment, in order that in case there would be reverses—and there is no doubt about it that there would be reverses ; there can be no war without reverses except in the thinking of people sometimes—the Parliament can act as the safety valve on such occasions. So, this Parliament has to sit. When bombs were raining over London the British Parliament had midnight sessions and two bombs actually struck the House when they were sitting. This is the thing which shook Hitler that people do not go away even when bombs are showered. Our people are also the same. We have passion for defending this country. When we could shake a mightly empire to its foundations, so we can shake the mightly empires that support the aggressor when aggression takes place and we should warn the world that any assistance given to the aggression in India is an act of aggression against India itself.

SHRI M. SATYANARAYAN RAO (Karimnagar) : Mr. Speaker, Sir, the need of the hour is not making a speech but only action. We will have to make sacrifices. On behalf of the Telanagana Praja Samithi I would like to assure the Prime Minister that the whole nation is behind her. Let us forget our petty problems. There are no problems except the one problem as to how to drive out this aggressor who is coming to our country.

I will request the Prime Minister to assign some work at least to some of our young Members here. We know that our soldiers

[Shri M. Satyanarayan Rao]

are not only fighting but are laying down their lives there. We must also go there and do something. At least let us create some confidence among our soldiers that not only the whole nation is with them but, that we are also doing something. I hope, the Prime Minister will do something about this problem.

SHRI BIRENDER SINGH RAO (Mahendragarh) : Sir, I am associating myself with the sentiments expressed in the House, on behalf of the Vishal Haryana Party on this occasion. After the Proclamation of Emergency and after this dastardly Pakistani aggression last evening I feel proud and important as an ex-soldier. And I am not a very old soldier either ; today I feel even younger. I want to assure the Prime Minister that millions of our ex-soldiers and ex-officers in this nation of soldiers are today behind her. They would like to be assigned the most difficult role to defend our country. I have no doubt that India would come out victorious because ours is a noble and a just cause. I am sure that in this late twentieth century when those countries, which were so far professing to be champions of human rights, have failed humanity, India would emerge as the new champion of human rights and individual freedom in the world.

Sir, I must speak a few words on your behalf since you are sitting in the Speaker's Chair.

MR. SPEAKER : You have already spoken as an ex-soldier on my behalf.

SHRI BIRENDER SINGH RAO : Last night your district was bombarded. The people along our borders in Punjab and Rajasthan have proved to be as brave as the people of West Bengal and Assam. I phoned a few friends this morning at Amritsar and suggested that they might send their children over to Delhi so that we might be prepared at our borders to teach a very lasting and unforgetable lesson to Pakistan ; they all refused. They said, Amritsar was not going to be vacated ; they were going to stay there to the last minute. I congratulate you, Sir, that you represent that district, and the people on our borders in Punjab and Rajasthan who are so brave.

DR. G. S. MELKOTE (Hyderabad) : Sir, I rise to support the Proclamation of Emergency. May I say that the country has heard the clarion call of our leader ? On this occasion the national defence workers have asked me to tell this House on their behalf that during the past two aggressions they had been working 24 hours round the clock but the management of the different industrial factories gave them one holiday in a fortnight. They complained and asked why this holiday was given. The management replied that it was not because of human failure ; the machine had broken down but the man had not broken down ; therefore, a holiday was necessary. At this junctut: we would like to assue the leader that in every possible manner we will out do what we did last time and help our jawans at the front.

With these word I give support to this Proclamation of Emergency.

SHRI SURENDRA MOHANTY (Kendrapara) : Mr. Speaker, Sir, on behalf of the Utkal Congress and the United independent Group which I have the honour to represent in this House, I would like to associate myself with the support given to the Proclamation of Emergency which has been moved by the Prime Minister and pledge our support to it in this hour of trial. There is no question of waging war or not waging it. When the battle is called, we must join it and make ourselves oblations to that holy flame. But I would only urge upon the Prime Minister to see that the quality of free society is not impaired in the name of Emergency.

Before, I conclude, I would like to support what my esteemed friend, Shri Krishan Menon, has said that Parliament must not be off. The Parliament should continue to function in this hour of trial so that it keeps up the image of confidence and cool courage of our country.

SHRI S. M. BANERJEE (Kanpur) Mr. Speaker, Sir, as the President of the All-India Defence Employees Federation, I assure my full support to the Prime Minister and to the Defence Minister and I also assure that, as in 1962 and 1965, the Defence employees will rise like one man today and will sacrifice even more to see that the naked aggression of Pakistan is repelled with all force They will help the army both in the front and also preparing everything in the rear and help this Government in this hour of trial

MR SPEAKER The question is

"That the House approves the Proclamation of Emergency issued under article 352 of the Constitution by the President on the 3rd December, 1971"

The motion was adopted

MR SPEAKER This Resolution is carried unanimously I am very proud to be the Speaker of this House which has shown so much unity and demonstrated so much determination at this grave hour We all pray that the nation stands all united as one man with one determination and with one leader May God be with us

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12 21 HRS

DEFENCE OF INDIA BILL*

THE PRIME MINISTER, MINISTER OF ATOMIC ENERGY, MINISTER OF ELECTRONICS, MINISTER OF HOME AFFAIRS AND MINISTER OF INFORMATION AND BROADCASTING (SHRIMATI INDIRA GANDHI) : Sir, I beg to move for leave to introduce a Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith.

MR. SPEAKER : The question is :

"That leave be granted to introduce a Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith"

The motion was adopted.

SHRIMATI INDIRA GANDHI introduce the Bill.

I beg to move :

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration"

Mr Speaker, I have said a little while ago that we shall be bringing before this House the Defence of India Bill This Bill seeks only to provide necessary legal sanction as a consequence of the proclamation of emergency made by the President. We have tried to interfere as little as possible with the normal avocations of our citizens. But the country as a whole will have to make great efforts and undergo all sacrifices necessary for our defence

The provisions of the Bill are somewhat similar to legislation undertaken on the last occasion However, some changes in the light of our earlier experience and judicial decisions have been made. Full advantage has been taken of the laws enacted in the recent years by Parliament. Thus, the Bill does not make any separate provisions for detention The Maintenance of Internal Security Act has been utilised with some modifications In order that prompt

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[Shrimati Indira Gandhi]

action may be taken against activities prejudicial to the defence effort, district magistrates and other specified officers are proposed to be given the power to detain such persons. The maximum period for which a person could be detained in the interest of defence of India or security of India without consulting the Advisory Board has been extended to two years These provisions, however, will be in force only so long as the Proclamation made by the President under Article 352 is in force

So far as the modifications in other laws go, our objective has only been to provide more deterrent punishment for offences which in the context our defence efforts would be regarded as serious

Now, I move that the Defence of India Bill, 1971, be taken into consideration

MR. SPEAKER : Motion moved :

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration"

SHRI A K. GOPALAN (Palghat) : May we know how much time is allotted for this?

MR. SPEAKER : About an hour

SHRI A K. GOPALAN . This is a very important Bill. One hour is not enough We have also tabled some amendments

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR) This has to be passed by the other House also.

MR. SPEAKER : There will be no lunch hour to-day.

Mr. Pant will pilot the Bill in the absence of the Prime Minister

SHRI A. K. GOPALAN : How many hours are allotted for this?

MR. SPEAKER : Two hours, because we have to do other business also.

Because of this Emergency we have to push it through.

SHRI JYOTIRMOY BOSU (Diamond Harbour) . I want to know whether the provisions of Rule 65, sub-clause 2 have been suspended by you.

SHRI RAJ BAHADUR . That has been done

MR. SPEAKER Everything was done before this came All the formalities were gone into.

SHRI JYOTIRMOY BOSU We are not aware of it

MR SPEAKER Because of the Emergency, everything has to be done at a very short notice

SHRI JYOTIRMOY BOSU If the Speaker has done it, we have nothing to say

MR SPEAKER No, it has to be done

SHRI A K GOPALAN . Mr Speaker, Sir, as far as this Bill is concerned, we have given some important amendments for the Bill Now that the Declaration of Emergency is passed and also as there are other provisions already existing, we think that as far as the Defence of India Act is concerned, it is not necessary because this Defence of India Act had been passed before

There is a difference between the present Bill and the Defence of India Act that had been passed on the last occasion, because now there are so many provisions in other Acts, such as the Unlawful Assembly (Prevention) Act, the Preventive Detention Act, Maintenance of Internal Security Act etc. under which whatever is required to be

done under the Defence of India Act could be done. Besides, there is also the Criminal Procedure Code, and there has also been a declaration of emergency.

As such, we feel that the Defence of India Bill now is not necessary at all and all the powers that are sought to be taken under this Bill are already available with Government and they can have recourse to those powers That is the first thing that I would like to say.

Secondly, we have got the experience of the earlier Defence of India Act and how it had been used and abused On the last occasion, the Defence of India Act had been used in such a way that it did not help in the mobilisation of the people It did not help in the war efforts On the contrary, it was used by the bureaucrats in such a way that there was discontentment among the people, and the objective which Government had in view did not succeed at all.

As far as the minorities are concerned, we had got certain experiences in regard to the way they were treated

In spite of the fact that the minorities and their spokesmen here had stated unequivocally that they were with the Government, there were certain instances where the minorities had been arrested I had brought up those cases in the House, and I had pointed out the cases of certain women who had come back from Pakistan to Kerala after visiting their husbands, and they had been detained They had done nothing, they had only returned from Pakistan after seeing their husbands. Under the Defence of India Act, they had been detained I had written to the Prime Minister and I had also raised this matter here, and it was only after some time that they were released.

As far as the provisions of this Bill are concerned, they are drastic provisions, and judging from past experience, weare afraid that they will be used against the workers and other sections of the people, and especially against the minorities, and anyone belonging to the minorities may be arrested and detained under this measure. I would submit that if it becomes necessary to detain any person, then he can be detained under the existing laws in th country. At least in the other Acts there is provision to the effect that the person concerned can give a written statement that he is innocent, but here there is no such provision

But under this measure, since the Emergency is also there, the provisions of this measure will be used against the minorities by the bureaucrats according to their sweet wishes and they can be detained. That was our experience last time, and I am afraid that the same experience might be repeated this time also, if this weapon is given in the hands of Government

We have just passed a resolution to the effect that the whole country is behind the Government. As far as the front is concerned, the front is doing its duty properly, but in a war, it is not only the front which matters, but it is the rear also which is important What about the people? Will the Government explain whether what is now happening in West Bengal and other States will continue and those repressions will continue? If we are to mobilise the people, then they must understand that the attitude of the Government has changed because a new situation has come As far as West Bengal is concerned, there is killing going on every day. Will that also continue? When we have to fight the enemy in a united manner, what will the Government do about those things which are happening in West Bengal and other parts of the country?

Now, I would like to point out certain drastic and draconian provisions in the Bill. For instance, in one of the clauses

Shri A. K. Gopalan]

Government has sought power to ban any paper which criticises the Government.

As far as the rule-making powers are concerned, I shall take a few clauses. Power is given to seize newspapers and forfeit them. They can prohibit the printing or publishing of any newspaper, news-sheet, book or other document containing matters prejudicial to the defence of India. Then there is a provision about mines, oil fields, factories or industrial and commercial undertakings. There is another clause prohibiting or regulating meetings and assemblies. Suppose we want to mobilise the people for war. For that, there must be processions, there must be meetings, there must be mobilisation. But under item 39 that is now allowed. So there is no question of mobilising the people.

I have already referred to the prohibition of the printing or publishing of any newspaper, news-sheet, book or other document containing matters prejudicial to the defence of India and civil defence. For mobilising civil defence, there must be meetings. But even the holding of such meetings can be termed as prejudicial to the defence of the country. Any paper which publishes that can be seized. Then there are provisions for closing down of any press used for the purpose of printing or publishing any newspaper, news-sheet, book etc. This is in addition to forfeiture of its security.

I say that that the Defence of India rules have in the past been used in such a way that nobody could say anything to criticise Government that the mobilisation for defence should be done in a particular way.

Then about collection of defence fund. We know how defence fund was collected last time. We had appointed officers for the purpose. We have seen that this could be forcibly collected. Defence fund collection comes out of the patriotism of the people; it is out of the love of the people and their determination to strengthen the defence of the country. There is no question of any compulsion in this. But there had been cases of forcible collections brought to notice last time. Such a procedure will not evoke the sympathy and support of the people.

How are we going to mobilise the support of the people for making sacrifices in the interest of the country? What about prices in the country today? Prices will go up. Immediately the emergency is declared, the prices will shoot up. Even the Finance Minister has openly said in this House even before the emergency that as far as the rise in prices is concerned, we are not able to control it. Government will not be able to control the price rise.

As far as taxes are concerned, even before the emergency, as a consequence of the Bangla Desh refugee influx, taxes were collected, these taxes have of course been collected from the common man who is already suffering. Government have already said that there would be a wage freeze. But will there be a profit freeze? What about those millowners and monopolists who have earned crores and crore ? Government have till now not touched them. If you look to the figures of direct and indirect taxation, you will find that direct taxation has come down from 1950-51 (50 per cent) to 1970-71 (19 per cent). Indirect taxation has gone up from Rs. 49.1 crores to Rs. 90 crores now. What is the policy now? In mobilising the people, what will be the policy of the Government? According to this Bill, if this power is also given to the Government, in spite of so many powers that are there and which can be used for whatever purposes the Government thinks, it will be burdening the people;

he enthusiasm of the people will not be there, and the mobilisation of the people will be very difficult.

So, I say that as far as the Defence of India Bill is concerned, according to our previous experience also, when such a measure was passed, it was used against the minorities. Anybody whom the officers and others belonging to the Government think that he should be arrested, will be arrested. They have been arrested. This had been used very badly against the minorities and this time it will be more.

Also, as far as the people are concerned, more burdens will be placed on the people; the people can never be enthused and if the people can never be enthused, mobilisation of the people to stand behind the Government in their war efforts will not be there. That is the reason why I say that the Defence of India Bill is not necessary. We oppose it.

Also, there are certain sections or clauses in this Bill which have to be taken out. Even today, as far as the ordinance for taking over the closed mills is concerned, it has not come The legislative measures or benefits that had been there for the last five years for the workers are now not there. In this measure, all the democratic rights of the people are curtailed. You cannot have a procession; you cannot have a meeting; you cannot print a leaflet. How can you mobilise the people without leaflets, without meetings and without permitting any procession if they want to defend our country? I think that as far as this Bill is concerned, whatever has been said by all the parties here—that the whole country is behind the Government in this crisis—it will be difficult of achievement, and therefore, in order to see that the whole country is mobilised behind the Government, it is quite necessary that all the repressive measures that continue today in West Bengal and other States in India are withdrawn. Instead of this Defence of India Bill, the Government will have to say how, in view of this grave situation, this measure is in the interests of the country and in the interests of the working people and how therefore it is our duty to support it.

We have seen and have understood before that this measure will be a hindrance to the people, a hindrance to the mobilisation of the people, and the passing of this Bill will not in anyway help them at all. Instead, it will be used as a weapon against the Opposition, against the minorities and other sections.

So, I say I oppose this Bill.

SHRI INDRAJIT GUPTA (Alipore) : Mr. Speaker, Sir, at 12 30 last night, immediately after the declaration of emergency but before the Defence of India Bill has been passed, a leading member of our party in Delhi, a member of the Delhi State Council of the Communist Party of India, Mr. Ved Prakash, was arrested from his house at 12.30 last night. Mr. Ved Prakash, I admit, is a thorn in the flesh of the local police for a long time, not only today. He has always been the champion of the locality's people against all types of police harassment, extortion, etc. And no sooner had the emergency been declared, while the Capital city was still lying under a black-out, while Pakistani planes were still raiding our air-fields, the first thing that the Delhi police could think of doing in this Kotla Mubarakpur area, was to go at 12.30 at night and arrest our comrade, Mr. Ved Prakash. Later on they will say that he was some anti-social element or something like that; we know the ways of the police.

I am constrained to mention this case because I along with lakhs of people in this country had shared the serious misgivings about the way in which the Defence of

[Shri Inderjit Gupta]

India Act and the rules are likely to be implemented, because this is not something that we are talking about vaguely. We have concrete experience of it.

Last time Emergency was declared in 1962; it was not withdrawn till 1968. For six years it remained in force as well as the Defence of India Act and the rules. We cannot orget that. There was no war after 1965; but the emergency was not withdrawn. Between 1963 and 1965 also there was no war but the emergency was not revoked and during that period there were serious misuses and abuses of those powers by the administration, particularly by the police administration.

What is written here can be argued to be very necessary as emergency powers. But the thing we want to bring to the notice of the Government is that we are not at all reassured by anything that has happened so far that similar misuses and abuses will not take place. Mr. Pant may give here all sorts of assurances but Mr. Pant is not personally responsible for administering this Act and rules in various parts of the country. We know very well what the administration at the lower levels is like and how they use this to pay off old scores against people whom they do not like and how unscrupulous elements at the level of villages and towns and so on deliberately try to get certain innocent people framed. Such things have happened on a big scale last time. I would warn the Government that if they allow similar things to happen again it will be very bad for the morale and the unity of our people which should be the paramount consideration at this time.

There are explicit provisions here for the punishment of people who indulge in profiteering, hoarding, black-marketing and adulteration or in other unfair practices in relation to goods procured by or supplied to the Government and so on. But our experience is that these powers were hardly ever used or used in a very fractional, marginal and superficial way sometimes when there was some public outcry in some particular place. Otherwise these provisions were never used. But the provisions were used in the name of suppressing people who are supposed to be anti-social or pro-Pakistanis and so on against hundreds and thousands of people who were perfectly innocent.

We have referred on previous occasions in this House to the persecution which took place particularly of the minority community. I can speak from first hand experience, of at least West Bengal where several thousands of ordinary people belonging to the Muslim community were indiscriminately arrested and detained without any chance of proving anything or disproving anything because that provision is not there. Later on when hostilities with Pakistan were over they had to be released and they were taken by everybody to have been perfectly innocent. People in various localities who were communal elements went and gave false reports to the police saying that somebody was sitting in his house and listening to the Pakistan radio and therefore he should be arrested or that somebody else was flashing a torch in the night which was to say that he was signalling with an ever-ready torch to the Pakistani Sabre jets! Therefore, he should be locked up. On such false and flimsy grounds a lot of people were persecuted unnecessarily.

I do not say for a minute that any person who is actually engaged in anti-national work and who is acting as a spy or Pakistani agent and indulges in sabotage or leaks out secrets should not be proceeded against. He must be proceeded against, and he will not necessarily always be a member of the minority community. Such people are found in other communities also including the majority community, we know it.

What is going to be the safeguard? Or, is it the Government's contention that at a time of crisis like this many innocent people must necessarily suffer. I do not subscribe to this philosophy. Other countries have also fought wars, and we do not find this kind of thing taking place there.

Secondly, because an emergency sometimes becomes in the hands of the Government a sort of permanent feature which they would like to keep in force indefinitely, a lot of evils flow from that. For example, we have told you in this House today, other colleagues have also stated, categorically and unconditionally that the workers manning our factories and production units are prepared to day in this hour of crisis to give their utmost to the cause of national defence and they will make sacrifices for that, but what happened last time? Working hours were increased, holidays were reduced. That was all right so long as hostilities were going on, but in the name of the emergency, for years after that, when there was no hostility, these extra hours, reduction of holidays and compulsory deductions in the name of the war fund went on continuing for months and years. They have left a very bad taste in the mouth of many people. So, I am pleading for safeguards against misuse and abuse of these powers. There are no safeguards here.

As a matter of fact, the new section 17A which provides that a person may be detained without obtaining the opinion of the Advisory Board for a period longer than three months, but not exceeding two years from the date of his detention, has been made even more stringent than before. He can be kept in detention for a period of two years without his case being put up for review by the Advisory Board. This is an abnoxious thing. Nobody is saying he should be released if he has done some thing, but when he is detained without trial, without any charge, without any proceedings, without any chance to prove or disprove anything, should not his case be put up before the Advisory Board which the Government constitutes? It is a monstrous thing, innocent people can be put to such suffering and victimitation that it cannot be tolerated.

As I have said earlier, nothing was done, or very little was done, about these blackmarketeers and profiteers and speculators who I think are the best allies of Pakistan today; the people who help disrupt the rear while our front is attacked by armour and planes, are the profiteers, speculators and blackmarketeers. Will the Minister give us a firm assurance that the powers under this Bill will be unhesitatingly and energetically used against such people who are disrupting the economy today and putting our people to unnecessary privation? Nothing was done last time.

We are all anxious that the total material resources of our country should be harnessed today for the single cause of national defence. Every Member in this House who is connected in any way with the labour movement knows very well what has been going in the last few years when certain employers, for purposes of their own, have been recklessly closing down units without adequate cause, trying to put the blame on somebody else. Some of them have genuine causes that they did not get adequate orders or raw materials and so, but a large number of the bigger units have been closed down for other purposes. While units are allowed to be closed, only workers are asked to increase production. Workers will, of course, increase production. But what about those gentlemen who are keeping the units deliberately closed? The first thing by which Government's sincerity will be tested is this : They can certainly use these powers to see that these factories are opened. They are mainly

[Shri Indrajit Gupta]

in the engineering, textile and chemical industries, all of which have got some direct or indirect bearing on the war effort. They cannot be allowed to be closed at the whim of the employer. So, Government should take early steps to see through some sort of discussions which can be arranged that in future no employer will arbitrarily close down any unit or unilaterally retrench any worker during this period of crisis. Otherwise, it is all moonshine to talk about harnessing production for the war effort. A large number of people have been victimised. Victimisation cases are pending. If you want to harness the enthusiasm of the working class, it is necessary to review all these cases, whether in the private sector or public sector, withdraw them and allow everybody to work.

I would suggest for Mr. Pant's consideration that this time at least, for the implementation of the Defence of India Act and the rules to be framed thereunder, a sort of supervisory committee should be set up, consisting of non-officials-representatives of various parties at least which are represented in this House. It should be called from time to time or when any member or members of that committee have got any grievances regarding the way this is operated in any particular place or sector, the committee should meet and review the actual progress of the implementation When concrete instances of misuse or abuse are brought to the notice of Government, that committee must be permitted to look into them. Otherwise, this business of taking everybody into confidence and wanting all of us to become partners in this effort does not have much meaning, because everything now comes under the umbrella of the Defence of India Act. Therefore, this is a thing which affects the life, liberty and properties of all the citizens and their organisations. The least that can be done is to see that that non-official committee is given a proper status, with supervisory powers and allowed to review how this thing is actually implemented. We know how the magistrates, SDOs, and other police officers run amuck. I have an instance. Mr. Ved Prakash was arrested last night in Delhi even before the Defence of India Act was promulgated because the police did not like him. He fights for the people's interests in that locality of Kotla Mobarakpur. I want Mr. Pant to see that he is released. If this sort of thing goes on, you will be killing the enthusiasm and morale of the people. We do not want to fight on two fronts—one against Pakistan and another against corrupt and oppressive officials, and employers who want to retrench workers and close down factories. So, it is the responsibility of the Government not only to harness the national effort against the aggressor but also to defend the people against aggression by blackmarketers, profiteers and corrupt officials.

There is not much time. I wanted to voice these serious misgivings we have got. On the face of it, one cannot oppose these powers as they are laid down on paper. But the whole trouble is with their implementation, with their misuse and abuse. Government must give us more specific and concrete assurances this time that they will see to it that these things are not done

श्री अटल बिहारी वाजपेयी (ग्वालियर) यह विधेयक सरकार को असाधारण अधिकार देता है। लेकिन देश के सामने जो परिस्थिति है वह भी असाधारण है। इस परिस्थिति का सामना करने के लिए शासन को जो भी अधिकार चाहिये, यह सदन उन्हें देने मे सकोच नही करेगा। प्रश्न इतना ही है कि जो अधिकार दिये जा रहे हैं उनका दुरुपयोग नहीं होना चाहिये। इस मामले मे पहले का अनुभव अच्छा नहीं है। अधिकार ऊचे स्तर पर काम में नही लाए जाते, उनका उपयोग नीचे का शासन तत्र करता है। कहीं कहीं ज्यादती होने का डर है। आवश्यक है कि इसका पूरा प्रबन्ध किया जाय।

मेरे मित्र श्री इन्द्रजीत गुप्त ने 17 ए का हवाला दिया है। मैं इसी धारा का जो भी भाग है, उसकी ओर सदन का ध्यान खींचना चाहता हूं।

"(b) where such person had been detained with a view to preventing him from acting in any manner prejudicial to the security of the State or the maintenance of public order"

सिक्योरिटी आफ दी स्टेट तो ठीक है। कोई व्यक्ति जो राष्ट्र की सुरक्षा के विरुद्ध कार्य करे, फिर किसी भी फरके का हो, किसी भी दल का हो उसके विरुद्ध कडाई से काम करना होगा। लेकिन पब्लिक आर्डर का इस में समावेश करने की क्या आवश्यकता है। कहीं अगर जन सभा की गई, युद्ध प्रयत्नों में सरकार का योगदान देने के लिए जनता का आह्वान किया गया और आवश्यकता पडने पर सरकार की आलोचना भी की गई और आलोचना करने का अधिकार छीना नहीं जा सकता है—यह ठीक है कि आलोचना रचनात्मक होनी चाहिये ऐसी होनी चाहिये जो जनता के मनोबल को कम न करे, तो ऐसा करने वाले की क्या दशा होगी? यह तो कोई दावा नहीं कर सकता कि जिनके हाथों में युद्ध का संचालन करने का दायित्व है वे सब ठीक ही काम करेंगे। उनका जो अन्दाज है उस में गलती हो सकती है। किस समय कौन सा कदम उठाना चाहिये इसके बारे में भूल हो सकती है, युद्ध प्रयत्नों में जनता का सहयोग किस ढंग से लिया जाए, इसके बारे में अलग-अलग रायें हो सकती हैं और ये रायें लोकतंत्र में प्रकट करने का पूरा अधिकार होना चाहिये। अंग्रेजी में कहावत है कि शस्त्रों की झंकार में भी विवेक का स्वर रुद्ध नहीं होना चाहिये। शस्त्रों की झंकार में भी कानून की आवाज दबनी नहीं चाहिये।

अध्यक्ष महोदय, इस समय देश में जो वातावरण बना है उसको दृष्टिगत रख कर शासन यह आश्वासन दे कि जो अधिकार लिये जा रहे हैं, उनका दुरुपयोग नहीं होगा। थोड़ा बहुत विवेक का उपयोग करने में गलती कहीं-कहीं हो सकती है लेकिन उसके लिए यह सुझाव अच्छा है कि संसद की एक कमेटी रहे जिसे पार्लियामेंट की स्टैंडिंग कमेटी भी कहा जा सकता है जो इस कानून पर किस तरह से अमल किया जा रहा है, इस पर दृष्टि रख सकती है और अगर कोई सच-मुच में शिकायत होती है, तो उसको देख सकती है।

13 hrs.

यह भी आवश्यक है कि सरकार इस बात पर अपना दिमाग बनाये कि इस समय देश में जो उपचुनाव हो रहे हैं, वे बन्द कर दिये जायें। मोर्चे पर लडाई और इन उपचुनावों की लडाई साथ-साथ नहीं चल सकती। केवल उत्तर प्रदेश में नौ उपचुनाव होने वाले हैं। उनमें अलग-अलग उम्मीदवार खडे हैं। इस समय इन उपचुनावों में पार्टियों की लड़ाई आगे बढाई जाये, मैं इसकी कोई तुक नहीं देखता हूं। हमें सारी शक्ति युद्ध-प्रयत्नों में लगानी चाहिए, सीटों को जीतने में नहीं। हम ने देश को जिताना है। किसी एक-आध सीट पर किसी पार्टी के उम्मीदवार की विजय का प्रश्न नहीं है।

जनता का सहयोग प्राप्त करने के लिए और विरोधी दलों को साथ लेने के लिए उचित पग उठाये जाने चाहिए। उदाहरण के लिए सेंट्रल सिटिजन्ज कौंसिल की शाखाओं का राज्यों में निर्माण किया जा रहा है। उन सब में विरोधी दलों को पूरी तरह साथ ले कर चलना चाहिए। एक पार्टी का सवाल नहीं है। मगर अभी तक सेंट्रल सिटिजन्ज कौंसिल का जो ढांचा है, वह विरोधी दलों में तो क्या, जनता में भी विश्वास पैदा नहीं करता है। मैं किसी का नाम लेकर नहीं कहना चाहता हूं। लेकिन ऐसी व्यवस्था होनी चाहिए कि सब का सहयोग लिया जाये। यह समय छोटी-छोटी बातों पर विचार करने का नहीं है। मुझे यह जान कर दुख हुआ कि दिल्ली में सेंट्रल सिटिजन्ज कौंसिल की जो शाखा बनाई गई है, उसमें दिल्ली के मेयर नहीं हैं। क्या दिल्ली के मेयर के बिना दिल्ली के नागरिकों की कोई समिति बन सकती है?

श्री शशि भूषण (दक्षिण दिल्ली) : दो समितियां हैं—एक मेयर की और एक लेफ्टिनेन्ट-गवर्नर की।

श्री अटल बिहारी वाजपेयी : और राज्यों में मुख्य मंत्रियों की समितियां बन रही हैं। दिल्ली में भी लोकतंत्र है। दिल्ली का शासन है। क्या यहां लेफ्टिनेन्ट-गवर्नर की समिति बनेगी? यहां चीफ़ एक्जीक्यूटिव कौंसिलर की समिति क्यों नहीं बन सकती है? और प्रदेशों में मुख्य मंत्रियों की समितियां बन रही हैं। हम उन के साथ हैं। हम ने कोई शर्त नहीं लगाई है। हमें समिति में लिया जाये या नहीं, देश के प्रति अपने कर्त्तव्य को हम पूरा करेंगे। लेकिन जनता तो इस बात को जानना चाहेगी कि सब लोग युद्ध-प्रयत्नों में भाग ले सकें, इसके लिए कौन से तंत्र की रचना की जा रही है, सब का सहयोग लेने के लिए क्या किया जा रहा है। मेरा निवेदन है कि इस तरह की समितियां केन्द्र और सब प्रदेशों में हों। सब दलों को साथ लेकर आगे बढ़ने की आवश्यकता है।

श्री० मधु दंडवते (राजापुर) : मेयर तो है, लेकिन उस की स्पेलिंग अलग है—एम ए आर ई।

श्री अटल बिहारी वाजपेयी : स्पेलिंग तो एक ही है, लेकिन भावना द्वारा अलग है। वह भावना इस समय अलग कर देनी चाहिए।

इस बिल में कहा गया है कि जो जमाखोरी करेंगे, भाव बढ़ायेंगे, उन के खिलाफ़ कार्यवाही की जायेगी। लेकिन कार्यवाही तभी हो सकती है, जब किसी चीज पर कंट्रोल लगा हो और वह चीज कंट्रोल भाव से अधिक पर बेची जाये। मेरा निवेदन है कि इस बात को ध्यान में रखते हुए कि लड़ाई लम्बी चलने वाली है, बुनियादी आवश्यकता की चीजें नागरिकों को उचित दर पर मिल सकें, इसका प्रबन्ध सरकार अपने हाथ में ले। अगर जरूरत हो, तो युद्ध के काल में कंट्रोल भी लगाये जा सकते हैं, लेकिन इस बात का भरोसा होना चाहिए कि उन पर अमल ईमानदारी से होगा, वे जनता को राहत पहुंचायेंगे, परेशान नहीं करेंगे। अगर बुनियादी आवश्यकता की चीजें हर एक नागरिक को उचित दाम पर और पर्याप्त मात्रा में मुहैया कराने की जिम्मेदारी शासन की है और शासन इस जिम्मेदारी को ठीक तरह निबाहने के लिए आगे बढ़े। तब अगर कोई अनुचित मुनाफ़ाखोरी और जमाखोरी करता है तो उस की निन्दा करनी चाहिए, उसके विरुद्ध कठोर कार्यवाही करनी चाहिए।

लेकिन इन सब बातों के लिए देश में एक वातावरण बनाने की आवश्यकता है और मुझे विश्वास है कि जब वह वातावरण ठीक तरह से बनेगा, तब हम विद्यार्थियों से अपील कर सकते हैं कि इस समय वे कानून हाथ में न लें, हम पूंजीपतियों से अपील कर सकते हैं कि वे अनुचित मुनाफ़ाखोरी न करें, परिस्थिति का फ़ायदा न उठायें और मजदूरों से भी अपील की जा सकती है कि वे देश के लिए पूरा परिश्रम करें। इसके साथ जहां कानून आवश्यक है, वहां कानून का भी सहारा लिया जाना चाहिए। मैं चाहता हूं कि मंत्री महोदय यह आश्वासन दें कि जो कानून पास किया जा रहा है, उस का ठीक तरह से कार्यान्वयन किया जायेगा।

अध्यक्ष महोदय, समय कम है। आप भी लम्बा विवाद नहीं चाहते हैं। लेकिन आप इस सुझाव पर विचार करें कि क्या दोनों सदनों की कोई कमेटी बनाई जा सकती है, जो इस कानून को अमल में लाने पर नजर रखे।

SHRI SHYAMNANDAN MISHRA (Begusarai) : Mr. Speaker, Sir, our Party was of the opinion that this could have been passed without a discussion. But since the ritual is being gone through, I am also doing my part in it.

This measure, as everybody agrees, has been brought under conditions of grave Emergency and we all have completely agreed with the Government that such conditions do exist and, therefore, we have supported the Proclamation of Emergency by the President. As a corollary to this, it was quite necessary to come out with a measure of this kind. Therefore, although one may have misgivings about th

misuse of powers under this measure, my Party would like to support it without any reservations. We do not want to presume at this stage that these powers would be necessarily misused.

We are giving these powers to the Government to deal with the enemy. I hope that the Government will also be conscious of the fact that these powers are not given to them to deal with the members of the Indian community who are going to be solidly behind them. If there is any misuse, we have a firm belief that it will have its own retribution. We will expose such misuse at proper time and we have every faith in the people of India that the executive will be heavily punished for it.

As far as the question of the duration of its operation is concerned, I would like to emphasize that it should not be continued for a moment longer than it would be strictly necessary. Last time, no doubt, a great deal of agitation had to be mounted for the termination of the state of Emergency by people in various walks of life. Ultimately, a large number of lawyers led by Shri Setalvad had to come out strongly against the continuance of Emergency and it had to be ended. So, I hope, it would not be continued longer than it would be strictly necessary. But the point that I would like to emphasize is that as such an Act is necessary, corollary to the Proclamation of Emergency, it should also be a necessary corollary that there should be a National Defence Council and should not be a very large or prolific body. It must be a business-like body which should also be concerned, along with other things, with the proper use of powers given under this measure.

I would also like to emphasize that since these powers are not only going to be used for punitive purposes but have also got a constructive potentiality in the sense that the largest mobilisation of the country's efforts in various fields of our activities is going to be brought about, the example will have to be set by the Government, by the members of the Government. I am reminded here of what Hugh Dalton said during the course of the Second World War when he was the Minister of Trade. He told an audience during the course of the war, "Look here, I have got only two coats and I promise you that I will not have a third one during the duration of the War." And at the end of the War, Mr. Dalton was in a position to say, 'I have kept my promise'. Now, this is the example they the members of the Government, will have to place before the country, because the country will have to undergo a period of austerity in every sense of the term.

Mr. Speaker, it was found in England that under democratic conditions the mobilisation of people's effort could be more total than under Stalinist Russia. That is how the sociologists and others have concluded so far as the war effort in England during the Second World War was concerned.

So, with these words I hope that the Government will go ahead with the efforts that the country expects that they will put in for meeting this challenge and they will have no occasion to say that we have come in their way for the prosecution of the necessary efforts in the required direction.

DR. KARNI SINGH (Bikaner) : Mr. Speaker, Sir, if I heard it correctly, this morning the Prime Minister said that the Defence of India Act will be co-terminous with the Emergency. Now, the views expressed by hon. Members here are shared by me as well because the powers given under this Act are so wide and deal with individual freedoms and virtually suspend all civil liberties.

If you remember, Sir, as the hon. Member, Mr. Indrajit Gupta, rightly pointed out

[Dr. Karni Singh]

in 1962 following the Chinese war, an emergency was declared that went on till past the Indo-Pak war. Now, I would request that we should try and evolve some method whereby immediately when the war is over, within a priod of two months the emergency should be terminated and the Defence of India Act repealed

I do not want to go into the corruption of officials. This is hardly the time to mention anything. Whether they are officials or politicians or anybody else, a certain amount of danger of misuse of power exists and I do feel that at this period while we are passing through this grave Emergency, such misuse of power may perhaps not take place but, after a year or so, a certain amount of complacency will develop and this power will be misused I can tell you from my own experience and these matters have been brought by me to the attention of hon Ministers and I have to say this now because these powers are now being sought, that even a Member of Parliament has experienced in my own State the misuse of power against us I do feel that as soon as the Emergency is over the Government should come out with a categorical statement now laying down the span of time by which the Emergency will be withdrawn

I would also suggest that the Members of Parliament here should be taken into confidence by the Prime Minister in whom we have all reposed our confidence to-day, so that, in case of any misuse of power or injustice these matters are brought quickly to the attention of the Prime Minister and perhaps if a parliamentary advisory committee could be created so that wherever any cases of injustice or misuse of power are seen or noticed, the same could be taken up quickly and expeditiously dealt with

Sir, I come from a border State like you do and we are rightly proud of the fighting material and our brave soldiers that our States have given to our Armed Forces. It is a pride that we share with our brothers all over the country and you know, Sir, that Punjab, Haryana, Rajasthan, Maharashtra and many and many parts of India have given very good fighting manpower. I must place before the House the unity that has been felt in many areas by people, and in Rajasthan State people coming from every religion and community have stood solidly like a rock to fight this great threat We produced men like Shaitan Singh and Pooran Singh who during the Indo-Pak war made a great name for bravery and sacrificed their lives and can be ranked with great warriors like Maharana Pratap

I would like to assure the House, although I am a very small man myself, that the State of Rajasthan and the people of Rajasthan would not be wanting in their support to the Prime Minister and to the Government and to our countrymen in discharging their duties as brave citizens to repel the attacks by the aggressor

I would however, say, before I conclude my remarks, that we have twice had a scrap with Pakistan or call it whatever you will, in 1947, in Kashmir, we could have driven Pakistan out of occupied Kashmir, but at the last minute, Prime Minister Nehru relented Almost the same sort of thing happened in Tashkent in 1965 when we could have driven the Pakistanis out of occupied Kashmir, and what is more, we could have taught Pakistan a jolly good lesson We do not want to have any more Tashkents, we want to be quite sure that Pakistan which has been bothering India, a peaceful country, and which has started this wanton aggression should be taught a lesson by our countrymen and by our Government and we would like to be assured

and convinced that in another ten days or fifteen days under pressure from the so-called friendly powers we do not once again succumb ourselves to "a Tashkent". This time, Pakistan must be punished properly.

I would like to appeal to our Russian friends that they should try and find ways and means of trying to help India. They must prove to us and to the world that the Indo-Soviet treaty is something which is strong and on which not only the Government but the people of India also can depend in this dire hour of emergency that our country is passing through.

SHRI EBRAHIM SULAIMAN SAIT (Kozhikode) : I feel that such measures as the Defence of India Bill become important and necessary at the time of the Emergency. But I also have a feeling that if we could have avoided such a measure it would have been better in view of the solidarity that we have at the time of this emergency throughout the country. I say this because of the lurking fear that I have in my mind about the misuse and abuse of such a measure as had been our experience in the past. In the past, the authorities had misused this measure in 1965 on grounds of personal grudge, political enemity etc. Particularly the minorities were very much harassed under such an Act in 1965, during the Indo-Pak war. You know, Sir, and the Prime Minister and the Government also knows that thousands and thousands of Mussalmans were arrested without any charges against them in 1965. After the 1965 war, the then President of the country, Dr. Radhakrishnan and the then Prime Minister of this country, Shri Lal Bahadur Shastri had expressed their appreciation of the stand taken by the Muslim minority during the Indo-Pak war, and yet thousands and thousands of Mussalmans had been arrested. Innocent Mussalmans, petty businessmen, ordinary servants and leaders of educational and cultural organisations had been arrested throughout the length and breadth of the country. I remember that Janab M. Muhammad Ismail Sahib, the President of the Indian Union Muslim League and myself had at that time approached Shri Nanda who was the Home Minister then and we told him about the whole matter and we told him 'In case there was anything against the Muslims of this country or against the Muslim League you can arrest both of us now and here' but Shri Nanda said that there was nothing against the Muslims of this country or the India Union Muslim League, and yet thousands of Mussalmans were arrested throughout the length and breadth of the country. This harassment led to panic and a feeling among the members of the minority community that they were being suspected. Such a feeling in an emergency is really detrimental to the interest of the country. I can say very clearly that nobody has got any right to doubt the sincerity and loyalty of the Muslims of this country. We are not prepared to tolerate anybody questioning our loyalty. Therefore, I only wish that the minorities should be taken into confidence in every region and in every sphere of activity. This is a time of emergency and all the potentialities and abilities of the crores and crores of people of the country must be effectively utilised for the sacred purpose of defending the integrity and security of the country.

I once again appeal to the Government that no harassment should be caused to any section of the population by such a legislation. No panic should be created. They must act in a spirit of confidence in every section of the population and try to get as much co-operation from as many people as possible in this state of emergency. There should be no misuse or abuse of the Act. I would also desire that the Act should be withdrawn immediately after we succeed in the present war.

SHRI P K. DEO (Kalahandi) : While supporting the Bill, I will be failing in my duty if I do not point out the various lapses and lacunae whereby there is a possibility of the Bill being misused for partisan ends Cl 1(3) says that it shall come into force at once and shall remain in force during the period of operation of the Proclamation of Emergency and for a period of six months thereafter. The duration of the emergency will be decided by the President who will act on the advice of the Council of Ministers Our demand is that this emergency should be co-terminus with the hostilities As soon as normalcy prevails, the emergency should go and as soon as the emergency goes, the Defence of India Act should also go. I want a categorical assurance from the Treasury Benches on this

We do not know how long the war is going to last because Pakistan is trying to internationalise it There is likelihood of the big powers being sucked into it and the sub-continent becoming the theatre of the third world war These aspects are there I would request Government to be very tactful Dr Karni Singh spoke about the Indo-Soviet treaty We can use this to get arms and ammunition from the Russians, we might get these from other friendly countries too That does not mean that the Russians should be sucked into this war, because that will create an opportunity for China and America to intervene. We do not want that Immediately Pakistan Radio started blaring out the news, Peking Radio is echoing the theme that India is the aggressor There has been a massive aggression on the western front

Government should take courage in both hands, insulate this war against any kind of national or international pressure and this question should once and for all be settled.

Sir, the mischief that has been done by partition should, we sincerely hope, be settled once and for all and peace should prevail in this sub-continent, and we hope that there would be no occasion for any friction in the future.

I would like to point out in this regard that our experience in the past has been that the Defence of India Act had been utilised for partisan ends It should not be an occasion for political victimisation as the apprehension has rightly been voiced by some of our friends There should be an all-party committee – you may call it by whatever name you like –a national defence committee or a parliamentary committee, which should go into each and every case where a complaint arises

Coming to the various controls the Government are going to impose, I may say that the second world war brought the worst famine of the century and that was in West Bengal This Defence of India Act was utilised to create an artificial famine in West Bengal I had seen people dying in the streets in Chowringhee and in the arcades of the Grand Hotel in thousands because of the licence-permit-quota raj Mr Ispahani was given the entire power in relation to the procurement and distribution system in West Bengal, such patronage should not be shown This power should be utilised for the benefit of the community so that there will be equal distribution of the wealth according to the needs of the people

Regarding the press, I would like to point out that there is every hope that the press will play its patriotic role which it has been playing all through

AN HON MEMBER Not all

SHRI P K DEO On the plea of the Defence of India Act, no undue restriction should be put on the freedom of the press

I was very sorry that some remarks were made from those Benches regarding the

reactionary and communal elements in this country. This is not the time to quarrel. We all stand united for a common purpose. At the same time, I caution the Government that there are saboteurs in this country. The other day, the accident in respect of the Puri express near Bhubaneswar railway station occurred due to sabotage. So, strong action has to be taken against saboteurs and against such elements who owe extraterritorial loyalties and get inspiration from foreign countries.

Lastly, I would like to point out that there are very good friends, and I make a personal request in this regard to the Home Minister regarding a very dear friend; though he is a Muslim he is a nationalist. I refer to Shri Badrudduja. Shri Badrudduja has been a nationalist, he worked with Shyam Prasad Mukerji and he was a man who left the Muslim League because he did not agree with the proposal for partition. He is a born leader and a man of the masses, and this Government should release him and should utilise his services for the defence of this country.

With these remarks, I close my speech.

MR. SPEAKER : Mr. Dhandapani. Now, someone from the party of Shri Madhu Dandavate wanted to speak, but you must show me the courtesy of informing me previously.

PROF. MADHU DANDAVATE : I had sent it long before the discussion began.

MR. SPEAKER : That must have been for the previous item; not for this.

PROF. MADHU DANDAVATE : I had sent my request that I wanted to participate in this discussion on the Defence of India Bill even before the discussion began. I sent it in time.

MR. SPEAKER : Oh, it is there—I am sorry. Now, Shri Dhandapani.

SHRI C. T. DHANDAPANI (Dharapuram) : Sir, on behalf of the DMK party, I wholeheartedly support this Bill. We understand and we are fully aware of the importance of national defence of this country. As far as the DMK is concerned, we sometime ago gave up our vital issue in the crucial period of national security. That was in 1962 when the Chinese waged war against us. The DMK leader Arignar Annadorai declared that their vital demand, though it was culturally and socially and economically just, had been abandoned in the interest of national security. We gave up that idea and stood up for national security. Similarly our party supported measures taken by the Central Government, especially Shrimati Indira Gandhi. Such a Bill is essential at this crucial juncture but there is wide apprehension in the minds of the Opposition that the ruling party might misuse this power...(*Interruptions*). There is scope for misunderstanding and I should request the Government to look into the matter.

I fully endorse the views expressed by some of the Members here, such as Shri A. K. Gopalan and Shri Indrajit Gupta in regard to the publication of newspapers, effective check on black-marketeers and anti-social elements. As soon a war situation arises, profit-minded merchants exploit people. On such previous occasions the Government has not taken any effective measures in this regard. I request the Government to take energetic measures in this regard. Government should use this power to check such people and put them behind the bars. Local committees should be formed where necessary in the State level, district and taluk levels also.

I want to say one thing. There is provision conferring power upon the Central Government or officers and authorities of the Central Government as respects any matter, notwithstanding that the matter is one in respect of which the State Legislature

[Shri C. T. Dhandapani]

has power to make laws. I suggest that the State Government should also be taken into confidence.

Special funds can be raised to meet the expenses on the Army Why I am saying this is after the war is over our Government may come forward and say we have no funds for development work now, this is an undeveloped country and we are not in a position to provide the basic needs of the people That is why I say that we must provide a special fund which we can raise from the big people, big businesshouses who hoard their properties and have black money. These things should be confiscated immediately by using those powers

In the name of war and emergency all kinds of developments have in the past been postponed or rejected Even after the end of the war the Government was not in a position to meet the vital demands of the people

13 33 hrs.

[MR DEPUTY SPEAKER in the Chair]

I request the Government that as soon as the war is over, the emergency should be lifted I request the Government to look into these matters With these words, I support the Bill.

PROF MADHU DANDAVATE (Rajapur) While expressing my party's views on the Defence of India Bill, I would take cognisance of the fact that there is a quahtative difference between normal times and a state of emergency, which the political and economic norms are different Democrats always know how to fight for their rights and opportunities in normal times, but let Yahya Khan also know that in a state of emergency, the democrats and progressives in this country also know how to surrender voluntarily certain rights at the altar of India's freedom and sovereignty t is in this spirit that my party endorses he Bill that has been moved

I would draw attention to the fact that certain provisions of the Bill can be misused. However, after carefully going through the Bill I feel that there are a number of built-in safety valves which can be used to see that if there are any elements which are likely to disrupt the defence efforts of the country, their activities can be effectively curbed I only hope that the new sublime atmosphere which has been created in the House will encourage the Treasury Benches and the Government not to misuse the provisions of this Bill and to utilise them to see that the enemies of the people and the country are dealt with

In this connection I would like to quote a very significant experience of mine which is very relevant to the implementation of the Bill before this House I had the opportunity of meeting an ex-army officer who was fighting the Chinese aggression on our borders and was actually imprisoned by the Chinese He happened to come from a Harijan family When he was in the Chinese camp, the worst hardship to which he was subjected was brainwashing The Chinese asked him why was he fighting and sacrificing his life He replied he was sacrificing for his country He was asked by the Chinese, which country ? He said my motherland They asked him which motherland? Is it the same country in which your mother cannot go to a well in her village and take drinking water because she is a Harijan? He said to me that he had tenacity of will and so he was not brainwashed but a man of lesser calibre and determination would have found it difficult to maintain his loyalty to the country in the face of social injustice I would like the Government to take very strong steps today for bringing about the spirit of equality in the country Only then there will be equality of sacrifice for defence. This is a very important aspect to be borne in mind. Therefore, the defence of the country needs more egalitarianism and not

less, more socialism and not less of it I feel that the provisions of the Bill, if they are properly utilised, can be harnessed to freeze the prices and curb the hoarders and profiteers I hope it will be utilised for that purpose.

There have been closures of a number of engineering concerns and this is a matter of great concern to me not only because workers are rendered unemployed. In Bombay and Calcutta there are certain engineering concerns like Alcock Ashdon and Mackenzi, which are vitally linked up with the defence requirements of the country and I would appeal to the Government to see that they are not allowed to be closed down Some are likely to go into liquidation If the Government takes note of the difficulties of the workers put forward by the trade unions, I think the proper atmosphere can be created

During the Indo-Pakistan war in 1965, I happened to be the Secretary of the Citizens Defence Committee in Maharashtra and I can tell you very authentically about the proportion of donations received from the industrial workers and those from mill owners and industrialists. The major quantum of contribution for defence efforts came not from the profiteers and industrial magnates, but from the industrial workers and agriculturists. This is the manner in which defence efforts are mobilised Very often, industrialists are shirking their responsibility and this should be curbed.

A little reference to the impending bye-elections in UP. My own party is involved in these elections All said and done, let us take note of the fact that in such a situation of emergency, elections can never be a unifying force. They tend to become divisive force. Therefore, I appeal to Government to see that these bye-elections are postponed in the present state of emergency.

A word about the National Defence Council. I feel the defence preparedness should be stepped up at a popular level. Something will be done on the military plane, something on the governmental plane and a lot will have to be done on the people's plane. Only recently, I happened to visit the office of the UN Security Council. I found an inscription on the wall "Since war begins in the minds of men, it is in the minds of men that the defences of peace are to be constituted". Therefore, the task of building up the defence preparedness of the country needs to be undertaken not only at the military and governmental levels but also at the people's level. I hope the clauses of the Bill will not be misused but will be properly utilized to see that a new climate of defence is created, so that once and for all, we drive out the aggressor Once that is done, we can have any new political pattern in the country In England, for the requirements of war, they had one set of politicians and for post-war problems, another set of politicians were introduced, So, let us not mix up the requirements of war with the requirements of peace.

SHRI SURENDRA MOHANTY (Kendrapara) : Sir, I rise to support this Bill with only one reservation that it should not extend for a period of six months beyond the termination of emergency, as provided for in the Bill The Government is assuming draconian powers and authority under this Bill It is futile and academic to ask whether it will be used properly or its powers misused. There are chances that it may be misused. Therefore, I only join my voice to the proposal that has already been made to form a kind of National Council, which can from time to time review the operation of the Defence of India Act, 1971.

My charge is that the existing powers available with Government are not being

[Shri Surendra Mohanty]

used to curb the activities of those who are disloyal to the country. The Home Minister will kindly forgive me if I invite his attention to a news item which appeared in the *Hindustan Times* dated 25-11-71 under the caption "Minister in league with saboteurs?" The report says:

> "Officers of the Central Bureau of Investigation have submitted a report to the centre on the involvement of two Congress leaders in the sabotage attempts by Pakistani agents in Kishanganj in Purnea district bordering West Bengal and Nepal."

My submission is, the powers he is asking today should not be misused against some trade union workers here or some communal leader there, but they must look to their own ranks and get rid of the disloyal elements about whom even the CBI has to make such kind of a report.

There is another thing to which I would like to draw the pointed attention of the hon. Minister. It is not as if we have joined the fray to safeguard our territorial interest. We have joined the fray to uphold certain principles, those principle which we have held sacred. What are those? The principle of freedom of expression, freedom of association and freedom of activity. If in the process we lose these freedoms, these fundamental freedoms, whether we win or lose in other directions will have no meaning and no significance to a person who believes in democracy and humanism.

It has been said that chauvinistic appeals should be eschewed, freedom of expression should be curbed etc. Here I would invite the attention of the House to what Churchill had written to Cordelbull, the Secretary of State of USA when bombs were being showered on London :

> "Under our present Constitution and war-time procedure we have been ceaselessly exposed to emotional views of little men on political matters and to check this undoubtedly would involve His Majesty's Government in a direct attack on the freedom of Parliament and the press."

In order to maintain that freedom, I would beg to implore that no curb should be placed on the freedom of the press. There should be free expression of opinion by the press so long as it does not attract the security of the State.

I did not want to divide the House and, therefore, I have not given notice of a formal amendment. But I would plead that the life of this Bill should be co-terminus not with six months after the period of emergency but with the duration of the emergency and this power should not be utilized by the government after the termination of the war, at which point the emergency also will terminate.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI K. C. PANT) : Mr. Deputy-Speaker, Sir, this Bill is a logical consequence of the declaration of emergency by the President. I am grateful to the various members from different sections of the House who have supported it. No one spoke from this side of the House in order to save time, but I am sure I am voicing the opinion of the entire section on this side of the House when I say that we all support this Bill fully, not merely because we are the government party but because this is a matter which is above parties, as what is involved is the survival of this nation.

This morning we heard many speeches from different sections of the House which underlined the historical nature of this moment which in a way expressed the sentiments of the people of this country more effectively than in any other way because this morning the voice of Parliament became the voice of the millions of India. It has

been our experience that whenever the country is threatened this Parliament and nation always rise to great heights and it was one such moment which we witnessed this morning. Parliament unmistakably expressed the collective will and determination of this country to preserve this country's freedom and integrity and the values that we cherish.

Therefore, this matter, as Shri Vajpayee said, is not a party matter. It is not a question about which there is any division of opinion in the country It is not a matter in which any differences, in respect of language or religion or province, come into play Those are all irrelevant because all of them survive if the country survives And nothing survives if the country does not. Therefore, this is a moment in which the right emphasis was placed by Parliament this morning on one country, one nation with one leader and that in this crisis we shall all remain one to face the common danger

This Bill has now been brought before the House because the wanton attack and aggression by Pakistan has created a situation in which it has become necessary. We have exercised a great deal of restraint for the past so many months. That restraint has been favourably commented upon in this country and outside. But restraint has its limits and in no case can peace be defended if restraint and love of peace is capable of being misconstrued as weakness. Therefore, the time has come when we must show unmistakably that we will not be cowed down by the aggression of a military dictator.

At this moment, to a man the whole country is behind our soldiers who are fighting on the front and behind the people living on the border areas. I have been to several of our borders and it is a matter of pride to see the extremely high morale both of our soldiers and of our people on the borders. I know, I shall be reflecting the sentiments of this House if I congratulate our brave pilots who have shot down the Sabre jets and the brave soldiers who have made scrapheaps out of tanks and cannons of the Pakistan army.

It is against this background that this measure has come before this House. The situation is extraordinary and it calls for extraordinary measures for the defence of India That is its name and that is all that is involved in this measure. While support came from almost all sections of the House certain points were raised in the course of discussion. One of these was that this measure should not extend beyond the period of the emergency. In a democratic country this sentiment is natural and I respect it. I can say that our intention is that this should not extend beyond the requirements of the emergency.

Some fear is expressed about the possible misuse of this measure.

SHRI SURENDRA MOHANTY : Also of not being used

SHRI K C PANT : There was also a reference by Professor Dandavate to the fact that there are certain built-in safety valves—I think, he used that expression—in this measure.

One hon Member referred to 1965 and said that a number of persons belonging to the minority community were arrested at that time. He seemed to imply that the minorities were not trusted. I would like to take this opportunity to state categorically that there is no question of distrust of the minorities in this country. We know it for a fact that the minorities are behind the Government on this matter—as a matter of fact, not behind the Government but behind the country. We have every confidence, and that a doubt should be raised is to me a matter of some sorrow at this juncture. Even in 1965, there was no question of any doubt being raised about

{Shri K. C. Pant}

minorities. If 1965 proved anything and, if such proof was at all required, it was that when the country was threatened by Pakistan, the minorities in this country, the Muslims in particular, whose loyalty Pakistan sought to subvert through broadcasts, newspaper articles, etc., to a man were behind India in that war with Pakistan Therefore, there is no occasion at all to doubt the loyalty of any citizen of this country.

Having said that, one must admit however that there are a few people who act as spies, saboteurs, agents, etc. One hon. Member said that many of them belong to the majority community. I have seen many cases in which the majority community is involved. When a spy acts as a spy, it is not a question of any community A spy is a spy A man who acts for a hostile country in a situation like this certainly deserves to be handled with all the powers that the State has, and handled with severity so that the interests of the country can be protected. Therefore, any attempt to mix up this question, a certain kind of person who acts as a spy or a saboteur with any community or caste or religion, is doing disservice to the country I would like this House to repudiate this idea completely.

There was some fear that no meetings would be allowed to be held or that no papers would come out or nothing in print would be allowed. That is not correct. It is an enabling clause. But this does not mean that all these things will stop. It only means that when the necessity arises that action can be taken. But, ordinarily, and normally, all these things will continue. I do not think that anyone can say that such powers would not be needed under any circumstances.

Then, my hon. friend, Shri Indrajit Gupta referred to the arrest of a worker, Shri Ved, prakash. I have just made enquiries as to why he was arrested. I entirely agree that this is not a moment when any political differences should allow any clouding of the main effort that the country has to make I have just made enquiries to see as to why he was arrested...

SHRI JYOTIRMOY BOSU (Diamond Harbour) : What are the facts?

14 hrs

SHRI K. C PANT I do not know. He just spoke in the House I just enquired, and I would request you to appreciate . (*Interruptions*) I am speaking because I know and I realise that patriotic elements in the whole country and the parties concerned, they are all wanting unity at this moment and I would be the last person to do anything or say anything which would impair that sense of unity. The point that I was making is that one incident, may be a few other incidents that my hon friends know, should, I beg of them, not colour their judgment on the very question of the need of this measure at a time like this When will an extra-ordinary measure be required if not to-day ? What greater danger the country will face that it is not facing to-day ? If to-day this measure is not required, at what other time will it be required? All these extraordinary measures are required and even my friend, Mr Indrajit Gupta, said that it can be argued that these are necessary emergency powers and this is precisely my case also He said that these powers should be used energetically against those indulging in hoarding and so on and against black-marketeers. I need hardly assure him that this would be done and when I came to the House with the Maintenance of Internal Security Bill, at that time also, when I said that we would use that law against black-marketeers, some scepticism was noticeable. I saw some friends doubting this sentiment or doubting

that statement but we did use that Maintenance of Internal Security Act against black-marketeers and against those indulging in the distribution of stolen goods in Calcutta and in the Eastern Region alone there have been, I think, hundreds of arrests for economic offences of this kind. So this goes without saying and I would like to assure Shri Gupta that this would be used with severity. I agree with him that in the conditions of to-day if anybody indulges in hoarding, black-marketing or pushing up the prices, that is an anti-national act and it spells destruction behind the lines where our soldiers are fighting the enemy. Therefore, no quarter can be given to such persons or such elements.

One question was raised. What is the safeguard against misuse? I cannot rule it out. In individual cases there may be some misuse. No one can give that assurance because such a large number of persons are handling it. But, the possibility of some misuse has to be balanced against the risk to the country if these powers are not there when the stake is that of survival of the country and the best safeguard is this Parliament. This Parliament is the best safeguard of all. Quite apart from this, it is necessary, that hon. friends think it is necessary, that Government should look into these things. If they come to me and give me instances, I am certainly prepared to look into those things.

A suggestion has been made that there should be some kind of a supervisory committee and some hon. friends have supported that idea. Now, as I said, I am prepared to look into these cases. The general question of how the leaders of various parties are to be associated with the Government in close consultation in this crisis is a general matter which is under consideration and I believe the Prime Minister has had talks with some of the party leaders also and I do not know exactly what form that will take. Whether it will be a committee or some Council or it will be some body which will meet and perhaps under the chairmanship of the Prime Minister—I cannot say. For those discussions have not concluded. But that would provide a forum where individual cases could be taken up, I suppose, and where the Members feel strongly, then that feeling and certainly be aired at those meetings. So, I hope that we would be given some more time to finalise our ideas on the best method of associating friends opposite with the Government at this juncture. I do not say 'No', and I cannot say 'Yes'. I cannot commit the Government at this stage to this. But as I say, the general question of the best form of associating friends opposite is under consideration.

All energies must be bent at this juncture on the war effort or to prepare the country, and I think, if I may say so with all humility, the Government must be trusted at this juncture, and the Government's responsibility increases to the extent that it receives trust from Opposition Members. It is a moment when the Government has to take various decisions. It will take those decisions, keeping in mind the sentiments of the House, keeping in mind the requirements of the situation.

There was a question why maintenance of public order had been included. Shri Atal Bihari Vajpayee had asked me that question. Maintenance of public order has been included because at this moment public order cannot be allowed to be disrupted; when there is a live situation on the border, we cannot have disturbance of public order behind.

He referred to the Delhi Citizens Committee. He said that the Mayor was not a member of it. As I have said just now, it is farthest from our intent that anything should be said or done which would impair the unity of the country at this moment.

[Shri K.C. Pant]

There cannot be a political approach to this question, and I find that even in respect of the Delhi State Citizens Council, where there are three bodies, namely the apex body, the executive committee and the citizens council, the mayor is a member of two of these three bodies, namely the apex body and the citizens council. I find that he is not a member of the executive committee, but there is no question of deliberately omitting him. He is a member of two of the three committees.

I believe that I have already dealt with the main points that have been raised. As my hon. friend Shri Madhu Dandavate has said, we should not mix the requirements of peace with the requirements of war, and it is in that spirit that I would like to request the House to give its wholehearted support to this measure.

Before I conclude, may I pay a tribute to Shri Annadurai whom I think many of us heard in 1965, and many leaders were present there at the time when he spoke in the hall upstairs? It was a memorable speech; it was a speech memorable for its sense of patriotism, for its sense of solidarity with the rest of the country and particularly with the border region which was facing danger at that stage. Again, we are facing a similar danger and this is a moment for the whole country to remember the sentiments of Shri Annadurai uttered in 1965.

MR. DEPUTY-SPEAKER : The question is:

"That the Bill to provide for special measures to ensure the public safety and interest, the defence of India and civil defence and for the trial of certain offences and for matters connected therewith, be taken into consideration".

The motion was adopted.

MR. DEPUTY-SPEAKER : We shall take up clause by clause consideration. The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3—(*Power to make rules.*)

SHRI JYOTIRMOY BOSU : I beg to move :

Page 4,—
omit lines 15 to 30 (2)

Page 7,—
omit lines 22 and 23 (3)

SHRI JHARKHANDE RAI (Ghosi) : I beg to move :

Page 7, line 1,—
before "the prevention of hoarding"
insert "very severely" (10)

SHRI RAMAVATAR SHASTRI (Patna): I beg to move :

Page 6, line 12,—
after "products" *insert*—
"at prices fixed by the Government" (12)

Page 8,—
After line 10, *insert*—

"(49) prohibiting hoarding, black-marketing and high prices and punishing such traders or hoarders who may indulge in such anti-social acts". (13)

DR. RANEN SEN (Barasat) : I beg to move :

Page 6, line 2,—
after "community" *insert*—

"and fix fair price for all essential commodities" (19)

Page 7, line 4,—
after "community" *insert*—

"and lacking physical control of hoards and stocks of commodities essential for the daily use of the public at large" (20)

SHRI JYOTIRMOY BOSU : Sub-clause 7(a), (b), (c), (d) should be deleted. We have seen from experience of the performance of this Government in the past, that the same set of people have been grossly misusing these provisions particularly against those who are opposing them politically. I am saying this with regard to what was done to my party. I would like this clause to be removed so that our apprehension is allowed.

श्री रामावतार शास्त्री अध्यक्ष महोदय, मेरा संशोधन इस प्रकार है कि पृष्ठ 6 पर "आफ्टर क्लाज 48", यह जोड़ा जाय—"देट प्राइसेज फिक्स्ड बाइ दी गवर्नमेंट' क्योंकि उसमें प्राइस की बात नहीं कही गई है और अगर आप प्राइस फिक्स नहीं करेंगे तो मनमाने मूल्य वसूल किए जाएंगे इसलिये ऐसी स्थिति में जब कि कीमतों को नियंत्रित रखने की सब से ज्यादा आवश्यकता है ताकि हमारी जो खरीददार जनता है उस को कोई बोझा नहीं मालूम पड़े, उसे तकलीफ नहीं हो और वह दिल से पूरी ताकत और देशभक्ति के साथ, लगन के साथ अपने दुश्मनों के खिलाफ लड़ाई में मददगार साबित हो सकें, इसके लिये यह जरूरी है कि उन्हें हम ज्यादा से ज्यादा विश्वास में रखें। अगर कीमतें आप तय नहीं करेंगे, ऐसे ही छोड़ देंगे तो ब्लैक मार्केटियर्स, होर्डर्स और चोरबाजारी करने वाले जो भी मन में आएगा करेंगे। इस का अनुभव पिछले दिनों का हमारे सामने है। इसलिये हम चाहते हैं कि यह अमेंडमेंट ऐड कर के यह साफ कह दीजिये कि गवर्नमेंट ने जो कीमतें तय की हैं उस कीमत पर ही इस तरह की तमाम चीजें ऐशीकम्बरल प्रोडक्ट्स वगैरह बिकेंगी। इससे ज्यादा पर कोई नहीं बेच सकेगा।

दूसरा पेज 8 पर सब-क्लाज 48 के बाद हम चाहते हैं कि एक नया सब-क्लाज 49 कर के जोड़ा जाय।

SHRI JYOTIRMOY BOSU . I thought he was speaking only on sub-cl. 7. I have also to say on other sub-clauses of the same clause which I have not done so far.

श्री रामावतार शास्त्री इस बिल में गल्ला चोरों और मुनाफाखोरों के बारे में बात कही गई है, लेकिन वह इतना स्पष्ट नहीं है। इसलिये मैं चाहता हूं कि वह चीज स्पष्ट कर दी जाय और इसीलिये मैंने एक नया सब-क्लाज 49 करके यह अमेंडमेंट जोड़ने का प्रस्ताव किया है—

"prohibiting hoarding, black-marketing and high prices and punishing such traders or hoarders who may indulge in such anti-social acts."

यह बहुत सफाई के साथ कहने की जरूरत है कि जो लोग होर्डिंग करेंगे, ब्लैक-मार्केटिंग करेंगे, प्रॉफिटीयरिंग करेंगे या जो ऊंची कीमत लेंगे जो सरकार ने कीमत तय कर दी उससे ज्यादा कीमत लेंगे तो ऐसे लोगों के खिलाफ सख्त से सख्त कार्यवाही की जायगी और ऐसे लोगों के खिलाफ हम ऐलान कर देंगे कि इस तरह के लोग समाजविरोधी तत्व हैं, हमारे युद्ध के प्रयासों में रुकावट डालना चाहते हैं, दुश्मन की मदद कर रहे हैं, इसीलिये यह जरूरी है कि इस तरह की धारा रखकर के स्पष्ट जनता के सामने यह कहें कि इस प्रकार से जो गोलमाल करेंगे गल्ला चोर या चोरबाजारी करने वाले उनको यह सजा दी जायगी। इस बात की व्यवस्था स्पष्ट रूप से इस धारा के जरिये हम करना चाहते हैं। यही मेरा संशोधन है। मुझे विश्वास है देश के अन्दर जो पुराने अनुभव रहे हैं उन को दिमाग में रखते हुए सरकार इस संशोधन को स्वीकार करेगी ताकि हमारा युद्ध का जो यह प्रयास है पाकिस्तानी लुटेरों को सजा पहुंचाने के लिये उसमें हम पूरी तरह से समर्थ हो सकेंगे और पूरे देश की 55 करोड़ जनता का पूरा पूरा सहयोग हमें मिल सके, इसी उद्देश्य से यह मेरा संशोधन है।

MR. DEPUTY-SPEAKER : Mr. Jyotirmoy Bosu, as a special case.

SHRI JYOTIRMOY BOSU . Thank you, Sir You have always been kind to us. Now, my amendment is regarding the omission of lines 22 and 23 at page 7, which say, "prohibiting or regulating meetings, assemblies, fairs and processions." What more powers one requires to curb its political opponents ? We have seen in the past that these powers also have been misused, and misued to curb the rights of political parties opposed to the ruling

[Shri Jyotirmoy Bosu]

party. I say that mobilisation of public opinion, and the mobilisation of the working people is the most essential item to fight a war because the armed forces, when fighting on one front, must naturally have the mobilisation of the people behind. So, I have put in this amendment for omission of clause 3(2)(39), at page 7. Through you, I would request the Government to be considerate enough and delete this particular sub-clause from the Bill

DR. RANEN SEN : On clause 3, on all the amendments, we would like to make a composite speech.

MR DEPUTY-SPEAKER : You want to speak on amendments to clause 3?

DR. RANEN SEN : I have two amendments to this clause. My first amendment is that at page 6, in line 2, after "community" insert "and fix a fair-price for all essential commodities."

My point is, in this Bill, it is stated that there will be control of trade or industry for the purpose of regulating so many things, for maintaining the supplies and services essential to the life of the community As we see today, and during the Indo-Pakistan war of 1965 also, there was a sudden rise in prices of all essential commodities The Government did not or could not control profiteering Even today, when there has been normalcy, it was known to everybody that there was a lack of essential commodities such as baby foods which were not available in Calcutta and in fact in the whole of the eastern regions of India. Medicines were not available Whatever was available was selling at a high price So, if the Government is taking such a wide power, which was not necessary in all cases as has been pointed out by Mr. Jyotirmoy Bosu—he has given that amendment which I have not, but which I support—and since the Government have taken such wide powers in their hands, I think more control would not do. The Government must here and now fix fair prices for all essential commodities. That is the most essential thing. Every Member who spoke in this house today has said that in order to strengthen the front, the rear has to be strengthened. Everybody has said it and there are no two opinions on it Mr. Pant will also admit that. If that is so, and when it is known that war profiteers are of a special category, and the profiteers who today are thriving on our soil will become war profiteers, if the Government will simply 'control', what about the prices? It is the duty of the Government to fix the prices of all essential commodities, giving a fair price.

So, without making any big speech on this amendment, I come to the next amendment in my name in respect of clause 3. I refer to page 7, line 4, sub-clause 33, where it is said, "the prevention of hoarding, profiteering, black marketing. ." etc Prevention will mean necessarily taking physical control of the stocks. Otherwise no hoarding or profiteering can be stopped This has been proved throughout the world in the capitalist world. Therefore my amendment is to insert after the word 'community'

> "and taking physical control of hoards and stocks of commodities essential for the daily use of the public at large".

The Government should take physical control of hoards and stocks and fix up a fair price and then distribute through a proper mechanism. I have not gone into the mechanism. The main thing is that the hoards must be seized and physically controlled.

My two amendments run in tune with the Defence of India Bill and the Government should have no difficulty in accepting them. With reference to Mr. Jyotirmoy

Bosu's amendment, I have to say that the provision regarding prohibiting, regulating, meetings, fairs, processions, etc, is very unfair and I support his amendment to that provision. It is such a blanket power which can be used to penalise people who differ from authority. So, while supporting his amendments, I have also moved my to amendments for the acceptance of the hon Minister.

SHRI K C PANT Mr Bosu has referred to 7(a) and (d) which is about prohibiting the printing or publishing of any newspaper, etc prejudicial to the defence of India I need not read the whole of it

It is necessary because of the extraordinary situation in which we find ourselves, I do not think that we need to be apologetic about it The freedom that the Press in this country enjoys is something which has been recognised throughout the world There is in this country an extent of freedom of speech and writing, freedom of the Press which we all cherish as a necessary value When we talk of democratic values, it is one In this particular situation it is necessary to put in this particular provision because they are necessary in the interest of the larger objective which we have been discussing

As for the general question of taking action against hoarders and the power to seize stocks and fixation of prices, sub-clause 33 refers to the prevention of hoarding, profiteering, blackmarketing or adulteration of, or any other unfair practices in relation to any goods procured by or supplied to the Government or notified by or under the rules as essential to the life of the community These are wide powers In 32 also you will find "the prevention of any corrupt practice or abuse of authority or other *mala fide* action in relation to the production, storage, purchase, sale, supply or transport of goods for any purpose connected with the defence of India "

DR. RANEN SEN : You have not spoken about taking physical control and fair prices. During the second world War prices were fixed and fair price shops were opened on a large scale

SHRI K C PANT I was referring to sub-clause 32 which gives power for the efficient conduct of military operations or the maintenance of supplies and services essential to the life of the community. General power is taken, many things come in If there are suggestions as to which particular rule should be framed in which manner, we shall take them into account

On the question of fixing prices for essential commodities, there is the Essential Commodities Act already in operation under which the States are authorised to fix the prices of essential commodities.

SHRI INDRAJIT GUPTA . You fix prices when the stocks are held by somebody else

SHRI K C PANT : Then the question arises suppose somebody hoards, what happens? Action has to be taken against him The Maintenance of Internal Security Act also provides for it and we have been taking action under that Act whenever we find it necessary

SHRI H N MUKERJEE (Calcutta—North-East) He might remember that since 1962 the Government had given repeated assurances on comparable occasions that the price line would be held and profiteering would be stopped etc , and every time they have failed Therefore, this time there is a specific suggestion about a concrete remedy, and not merely an abstract statement about the desirability of preventing hoarding and profiteering, and he fights shy of it That is a very dangerous thing.

SHRI K C PANT . I am sorry that Prof. Mukerjee is not approving of whatever we have brought forward. I think what I have just now read out to the House

[Shri H. N. Mukerjee]

is very wide and it is directed only against hoarders, profiteers and blackmarketeers. If he reads that, he will be satisfied that we are including this specifically in the Bill What more does he want?

As regards the general question of rising prices, there are various causes. That is a separate matter and there can be a general discussion on it So far as this Act is concerned, if we do not provide for it I can understand his anger, but we have specifically provided

DR RANEN SEN In my amendment, the *modus operandi* has been suggested

SHRI K C PANT That can be taken into account while the rules are framed

SHRI JYOTIRMOY BOSU The Finance Minister has repeatedly said that the scope of the Essential Commodities Act will be sufficiently enlarged to arrest the rise in prices Why is it that you have not given coverage to that in this Bill ?

SHRI K C PANT That is a separate Act and it relates to a separate Ministry This is a separate matter

MR DEPUTY-SPEAKER I put all the amendments to Clause 3 to the House

Amendments Nos 2, 3, 10, 12, 13, 19 and 20 were put and negatived.

MR DEPUTY-SPEAKER The question is

"That Clause 3 stand part of the Bill"

The motion was adopted

Clause 3 was added to the Bill

MR DEPUTY-SPEAKER The question is

"That Clauses 4 and 5 stand part of the Bill"

The motion was adopted.

Clauses 4 and 5 were added to the Bill.

Clause 6–(*Temporary amendments to Acts*)

SHRI A K GOPALAN I beg to move Page 10,—

omit lines 30 to 39 (4)

SHRI INDRAJIT GUPTA I beg to move

Page 13, line 15,—

for "two years" *substitute*—

"six months' (5)

SHRI BHOGENDRA JHA (Jamagar) I beg to move

Page 13, lines 14 and 15,—

for "longer than three months, but not exceeding two years from the date of his detention.

substitute—

'not longer than three months from the date of his detention but in no case longer than the period of emergency" (7)

Page 13,—

for lines 27 to 45, *substitute*—

'applies, sections 10 to 13 shall have effect" (8)

SHRI RAMAVATAR SHASTRI I beg to move

Page 10,—

omit lines 35 to 37. (14)

SHRI R V BADE (Khargone) I beg to move

Page 13, line 13,—

for "without" *substitute*—"by" (15)

Page 13, lines 24 and 25,—

omit "or the maintenance of public order" (17)

SHRI JHARKHADE RAI : I beg to move :

Page 13,—

for lines 14 to 25, *substitute*—

"the Advisory Board for three months." (16)

SHRI JYOTIRMOY BOSU : My amendment No. 4 seeks to omit lines 30 to 39 on page 10. The sub-clause I want to be omitted is sub-cluase (3) which reads thus :

"(3) The Payment of Wages Act, 1936, shall have effect as if after clause (i) of sub-sectin (2) of section 7, the following clause had been inserted, namely :—

"(ii) deductions made with the written authorisation of—

(i) the employed person; or

(ii) the president or secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed, for contribution to the National Defence Fund or to any Defence Savings Scheme approved by the State Government."

This is one thing whereby the poor workers would be subjected to harassment and pressure. They will be forced to sign papers or pay some subscriptions and contributions against their own will under compulsion. I strongly feel that this clause should not remain. I appeal to Government to prevent pressure and extortion from the poor people and the working classes by removing this sub-cluase from this Bill.

श्री आर० वी० बड़े : उपाध्यक्ष महोदय, मेरा पहला अमेन्डमेन्ट तो यह है कि पेज 13 पर लाइन 13 में शब्द "विदाउट" के स्थान पर शब्द "बाई" रख दिया जाये।

The clause says :

"17A. (1) Notwithstanding anything contained in the foregoing provisions of this Act, during the period a of Proclamation of Emergency....any person (including a foreigner) in respect of whom an order of detention has been made under this Act, may be detained without obtaining the opinion of the Advisory Board.."

I do not understand the meaning of Advisory Board. In the Public Safety Protection Act passed in Madhya Pradesh, there is an Advisory Board mentioned. Is it that Advisory Board or what ? I do not know.

मैं चाहूंगा मन्त्री जी बतायेंगे कि यह एडवाइजरी बोर्ड कहां पर किस एक्ट में रखा है?

SHRI INDRAJIT GUPTA : It is the Advisory Board which is mentioned in the Maintenance of Internal Security Act.

श्री आर० वी० बड़े : अगर ऐसा है तो मेरा अमेन्डमेन्ड है कि एडवाइजरी बोर्ड की ओपीनियन लेकर ही किसी व्यक्ति को डिटेन किया जाये ताकि किसी प्रकार से कोई अन्याय होने की सम्भावना न रहे।

मेरा दूसरा अमेन्डमेन्ट यह है कि क्लाज 17 ए(1) (बी) में आए हुए शब्द "आर दि मेन्टीनेन्स आफ पब्लिक आर्डर" निकाल दिए जायें। हमारे लीडर श्री अटल बिहारी बाजपेयी जी ने मेन्टीनेन्स आफ पब्लिक आर्डर पर जो वक्तव्य दिया था और उसका आपने जो खुलासा किया वह संतोषजनक नहीं है। मेरे विचार में सिक्योरिटी आफ स्टेट में ला ऐंड आर्डर भी आ जाता है। क्या आप समझते हैं कि सिक्योरिटी आफ स्टेट अलग है और मेन्टीनेन्स आफ पब्लिक आर्डर अलग है? ऐसा नहीं हो सकता। दूसरे आप यह पावर्स डिस्ट्रिक्ट मैजिस्ट्रेट और कलक्टर्स को दे रहे हैं इसलिए इस अधिकार के दुरुपयोग होने की सम्भावना रहेगी। किसी भी संस्था पर नाराजगी होने पर मेन्टीनेन्स आफ पब्लिक आर्डर में वे उस पर एक्शन ले सकते हैं और इस प्रकार से इसका दुरुपयोग ही किया जायेगा। इसी कारण

[श्री बार० सी० पंत]

मैंने यह संशोधन दिया है कि डेन्टीनेन्स आफ पब्लिक आर्डर को इससे से निकाल दिया जाये।

श्री बारलिंगे राव : उपाध्यक्ष जी, मेरी तरमीम का अर्थ यह है कि पहली बार किसी को तीन महीने से अधिक डिटेन न किया जाये जबतक कि आप में एडवाइजरी बोर्ड की सलाह न ले ली जाये। कारण यह है कि प्रधान मन्त्री की राय लेकर तो नीचे काम होगा नहीं बल्कि जो अधिकारी हैं जिन्हें मौके पर काम करना है वे अनेक प्रकार की भावनाओं से प्रेरित होकर काम करते हैं। चीनी हमले और पाकिस्तान की लड़ाई के समय में मेरा अनुभव बड़ा कटु रहा है। मैं आपको स्वयं अपना अनुभव बताना चाहता हूं। सन् 1962 में जब चीन का हमला हुआ तो हिन्दुस्तान की सरकार से यू० पी० में जिन कम्युनिस्टों की लिस्ट गिरफ्तारी करने के लिए भेजी गई थी—उस समय कम्युनिस्ट पार्टी एक थी, श्री ज्योतिमय बसु हमसे अलग नहीं थे—उस लिस्ट में सबसे पहला मेरा नाम था। उस समय यू० पी० में श्री चन्द्रभानु गुप्त मुख्यमंत्री थे। वहां के आई० जी०, डी० आई० जी, सी० आई० डी०, होम सेक्रेटरी और डिप्टी होम सेक्रेटरी सभी लोग यह चाहते थे कि मुझे गिरफ्तार कर लिया जाये लेकिन चूंकि चन्द्रभानु गुप्त को इस बात का अनुभव था कि कहीं से यह गलत रिपोर्ट हो गई है इसलिए उनके आखिरी हस्तक्षेप से दो घंटे पहले मैं गिरफ्तार होने से बच गया। तो इस प्रकार के मामले में यह तो गलती हो जाती है या फिर जानबूझ कर ऐसा किया जाता है और नीचे स्तर पर इस प्रकार की गल्तियां हो सकती हैं। इसीलिए मैं चाहता हूं कि पहले तीन महीने से अधिक के लिए किसी को गिरफ्तार न किया जाये। जब एडवाइजरी बोर्ड सलाह दे तो 6 महीने या 12 महीने या जो भी पीरियड हो उसके लिए किया जाये लेकिन बिना उसके पहले ऐसा न हो। यही मेरा सुझाव है।

SHRI S. M. BANERJEE (Kanpur) : Sir, I want to speak, on my amendment No. 14 to clause 6. It is said there :

"deductions made with the written authorisation of—

(i) the employed person; or

(ii) the president or secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed,"

I do not agree to this clause (ii) relating to the president or secretary the registered trade union. I also happen to be the President of a registered trade union or federation. But in this matter I feel that the choice should be left entirely with the employee. I am saying this in the light of our experience in 1962 because in 1965 it was a short affair. Sometimes it is reflected in the collection also. When it is a question of national defence there should not be any bikering among the workers or among the trade unions. So, the workers should give authorisation to the management and they should be deducted on the basis of this particular Act. Now that the Payment of Wages Act is being amended, it will come under this clause.

Another point which I would like to refer and on which I want the hon. Minister, Shri K. C. Pant, to say something is this. The National Defence Fund should be utilized really for defence purposes. Our experience in the past was that all the money which was collected was not credited to that fund. Nearly Rs. 7 lakhs or 8 lakhs were collected from the defence employees but only a cheque for Rs. 4 lakhs was presented in Delhi to Pandit Jawaharlal Nehru in the month of November, 1962. Later on, we found that all sorts of people were collecting money. I am not talking of Shri Atulya Ghosh though he was always the treasurer of any memorial or trust funds or committees.

That was the greatness in him. But am not talking of Shri Atulya Ghosh.

Misuse of the National Defence Fund was also visible in U.P. Sir, we had many ex-Chief Ministers. One of them was Shri C. B. Gupta who utilised that fund entirely for party purposes in the Uttar Kashi area, in that particular area. Therefore I say that this money should be utilised properly. There should be proper receipts and it should be made known to the employees who contribute as to what, after all, is going to be the use of this particular amount.

I am talking of the Central Government and defence employees. The textile employees are ready to contribute one or two days' wages, whatever it may be, after the authorisation. But when the employees contribute, an equal amount should be paid by the employers also. I request Shri K. C. Pant to declare here and now that if the employees contribute out of their meagre salary of Rs. 100 or Rs. 150 one or two days' wages as the case may be, for the National Defence Fund, the employers should also minimise their profits and pay something to the National Defence Fund, I request the hon. Minister to say something about it.

Then, last time in this House a question was raised that the late Sir Shri Ram, some of whose concerns were also in Pakistan—he was also a millionaire in India—contributed for the defence of both the countries. He paid Pakistan for the defence of Pakistan and he paid India for the defence of India. There should be some sort of patriotism in them. If the worker wants to contribute, the employer should also contribute. Let them show some gesture about national defence.

श्री योगेन्द्र झा : उपाध्यक्ष महोदय, मैं संशोधन संख्या 7 और 8 के बारे में कहना चाहता हूं। अभी प्रधान मंत्री ने इस विधेयक को पेश करते हुए कहा और उन से पहले बोलने वालों ने कहा, तथा सही कहा है, कि हमारे ऊपर आज लड़ाई लादी गई है। इस लड़ाई में हम सुरक्षा के लिये खड़े रहे हैं। इस में अपनी भूमि की रक्षा के साथ साथ कुछ आदर्शों की रक्षा का भी सवाल है, कुछ मूल्यों की रक्षा का सवाल है, और वह मूल्य जनतन्त्र के मूल्य हैं। यह सही है कि आपातकालीन स्थिति में इस जनतन्त्र पर कुछ अंकुश लगेगा। इस का अवसर पहले भी आया है, और यह कानून पहले से भी लागू रहा है। 1962 में और 1965 में यह लागू था और आज तक कोई ऐसा सबूत नहीं मिला कि वह नाकाफी था और जिस के कारण हमारी सुरक्षा पर खतरा आया हो। आज उस में कुछ ऐसे संशोधन किये जा रहे हैं जिन से गम्भीर खतरे हैं उस जनतन्त्र के ऊपर जिस के लिये हम लड रहे हैं। इसी लिये मैंने अपने संशोधन संख्या 7 और 8 पेश किये हैं।

मैं कहना चाहता हूं कि संविधान के 25वें संशोधन विधेयक में अगर हमने अपना विरोध न प्रकट किया होता तो शायद ऐसा विधेयक पारित हो जाता जिस की न तो हमारे सिद्धांत इजाजत देते हैं और न यह देश ही इजाजत देता। हमारे विरोध के कारण उस को बदला गया। इससे मालूम होता है कि सरकार ने भी पूरी तरह समझ बूझ कर इस तरह के संशोधन नहीं किये और उन से विधेयक का उद्देश्य ही खत्म हो रहा था। वही बात आज इस विधेयक के सम्बन्ध में भी हो रही है। इस में यह बात कही गई है कि ऐडवाइजरी बोर्ड की राय बिना ही कोई आदमी दो साल तक के लिये बन्द किया जा सकता है। इस के मतलब तो यह हैं कि ऐडवाइजरी बोर्ड की राय से तो शायद आप आजन्म कारावास में ही रख देंगे।

जहां तक आपातकालीन स्थिति का सवाल है उस में भी बिना मुकदमा चलाये जेल में रखना हो तो ऐडवाइजरी बोर्ड की राय के बिना भी दो साल के लिये रक्खा जा सकेगा इस में इस प्रकार के शब्द हैं:

Page 13, lines 14 and 15

"longer than three months, but not exceeding two years from the date of his detention"

[श्री भोगेन्द्र झा]

मेरा सुझाव यह है कि उस के बदले यह रक्खा जाये :

"not longer than three months from the date of his detention but in no case longer than the period of emergency"

जब तक आपात्कालीन स्थिति है उस से ज्यादा किसी भी हालत मे न रहे । साथ ही यह है कि ऐडवाइजरी बोर्ड की राय के बिना भी तीन महीने से अधिक नही रक्खा जाये । अगर ऐडवाइजरी बोर्ड की राय के बाद भी रक्खा जाय तो आपत्-कालीन स्थिति तक ही रखा जाये । मेरा आग्रह है कि यदि मन्त्री महोदय खुद अभी एक दम से स्वीकार नही कर सकते तो इस पर विचार कर ले । हम लोग नही चाहते हैं कि सदन ने जिस सकट की स्थिति मे खडे होने का निर्णय किया है उस मे फिर यहां से ही विभाजन शुरू हो जाये । मैं नही चाहता कि इस तरह का वातावरण पैदा हो ।

हम को निश्चय है कि इस तरह का विधेयक पारित हो जायेगा तो इस का दुरुपयोग होगा ही । अगर यह निश्चय न होता तो शायद मैं अपनी बात न कहता । जो लोग सरकार के किसी मत्री से कम देशभक्त नही है, उन पर भी जरूर इस का उपयोग किया जायेगा, इस मे मुझे कोई शका नही है । पार्लियामेंट के एक मेम्बर हैं उन को 1962 मे गिरफ्तार कर के जेल मे बन्द कर दिया गया था । कारण यह है कि ऐडवाइजरी बोर्ड मे मिल-मालिको के आदमी बैठे हुए हैं । इसी लिये मैंने कहा है कि ऐडवाइजरी बोर्ड की राय के बिना तीन महीने से अधिक किसी को न रक्खा जाये । इस पर मत्री महोदय को विचार करना चाहिये और इस को स्वीकार करना चाहिये ।

इस के बाद मैं अपने सशोधन सख्या 8 के बारे मे कहना चाहता हू । जो कुछ पहले से था उस में बहुत सी बातें जोड़ कर उस मे परिवर्तन करने का प्रयास किया गया है । उन के जरिये से जो भी सीमित मामला था उस को असीमित बनाया जा रहा है । बिना मुकदमा चलाये नजर-बन्दी की बात जो थी उस में भयंकर बातें जोड़ी जा रही हैं । पहले था :

"Shall within 30 days"

उस के बदले में अब यह जोड़ा जा रहा है :

"may, at any time prior to but in no case later than three months before the expiration of two years"

जहा तीस दिन की अवधि थी वहा हम दो वर्ष कर रहे हैं । इस सम्बन्ध मे भी अब तक यह था कि नजरबन्दी के दिन से तीस दिन के अन्दर, उस की जगह यह कहते हैं कि जिस दिन ऐड-वाइजरी बोर्ड के पास रिफरेंस भेजा जाय उस दिन से । यह बिल्कुल उचित नही है । इस-लिये 13 पृष्ठ पर जो ए, बी, सी और डी सशोधन किये जा रहे हैं पुराने कानून मे, उन को रद्द कर दिया जाये । उस की कोई आवश्यकता नही है । जो कुछ पहले था वह काफी था । मैं आग्रह करूगा कि अगर मत्री महोदय एक दम से इस को स्वीकार करने की स्थिति मे नही हैं तो वह इस पर विचार कर लें तब इस को बदल करे नही तो कही ऐसा न हो जाय कि हम लोगो की ही सुरक्षा खतरे मे पड जाये । आज स्थिति यह है कि मैं अपने चुनाव क्षेत्र मे नही जा सकता हूँ । वहा पर 144 लगी हुई है । लोगो के जमा होने पर ब्लैकेट बैन लगा हुआ है अगर आज मैं वहां जाऊं और मच पर पहुँच तो पुलिस का अफसर आयेगा और मुझ को गिरफ्तार कर लेगा क्योंकि वहा पर 144 लगी हुई हैं । वहा पर ब्लैकेट बैन लगा हुआ है और वह भी एक पक्ष के ऊपर । आज वहां पर अफसर जमीदारो के लठैत बन कर काम कर रहे हैं । वह कहेंगे कि हम वहां गडबड़ पैदा कर रहे हैं । हमारे मधुबनी क्षेत्र में जो धारा 144 लगी हुई है उस में है :

"Government officers on duty and landlords and their men"

उस में "सैबलार्डस" का शब्द है सैबलार्डस और उन के आदमियों को एम्प्लेमेन्ट कर दिया गया है। अगर हम उस का विरोध करेंगे तो हम को सुरक्षा के नाम पर नजरबन्दी में भेज दिया जायेगा क्योंकि आज भी वह आर्डर मौजूद है। इस लिये मेरा आग्रह है कि सुरक्षा कानून के अन्तर्गत लोगों को नजरबन्द किया जायेगा यह कह कर कि देश पर बड़ा खतरा है। उस के बाद जांच की की जायेगी और साम्यवादी ही उस की लपेट में आयेंगे। मैं जो कुछ कह रहा हूं वह केवल हवाई बात नहीं है। यह बहुत ही संगीन खतरा है। इस लिये मंत्री महोदय को मेरे संशोधनों को स्वीकार कर लेना चाहिये, इस को प्रतिष्ठा का सवाल नहीं बनाना चाहिए।

SHRI K. C. PANT : Sir, the hon. Members, Shri Bade, Shri Bhogendra Jha, Shri Jyotirmoy Bosu and Shri Banerjee have spoken on this.

Coming to Shri Jyotirmoy Bosu and Shri Banerjee's amendment, what it says here is :

"deductions made with the written authorisation of—

(i) the employed person,"

To that, there can be no objection.

"(ii) the president or secretary of the registered trade union of which the employed person is a member on such conditions as may be prescribed."

....(*Interruptions*) You are a congenital objector. It is entirely voluntary. I would like to make it perfectly clear. The employer cannot ask his employee....

AN HON. MEMBER : Then it does not remain voluntary on the part of the employee to contribute.

SHRI K. C. PANT : If they take any action against the wishes of the workers, they will naturally suffer.

SHRI INDRAJIT GUPTA : Then you may say, 'the president or secretary of the registered trade union if authorised by the workers'.

SHRI K. C. PANT : They will suffer as a consequence if they take any action which goes against the wishes of the employees. In a matter like this, whether it is contribution to the National Defence Fund or the defence scheme approved by the State Government, should we take any steps which denies...

SHRI INDRAJIT GUPTA : Last time it happened. It was misused like this. Workers did not want anything like that. In their name unauthorised people are going and saying, 'You can deduct'.

SHRI K. C. PANT : I would agree that if it is possible we shall advise the Unions to pass a resolution in a general body before this can be applied. Are you satisfied?

I might examine in what form it can be done. If it is misused, we will consider....

SHRI JYOTIRMOY BOSU : Can you satisfy the House as to why you require this provision in this Bill ? If a man is willing to pay, he pays. He gives an authority. You do not need any provision in a Bill.

SHRI K. C. PANT : It is just an enabling clause. If I have just heard that there have been various misuses, I will try to see if it is possible to insert something. I cannot do more than that at this stage.

SHRI DINEN BHATTACHARYYA (Serampore) : What is the harm in accepting Mr. Indrajit Gupta's suggestion ? If the employee authorises, then the President or the Secretary can deduct.

SHRI K. C. PANT : Or the General Body approves of it. One will have to consider how best it can be done.

Similarly, Shri Bade wanted to know something about the Advisory Board. I think Mr. Indrajit Gupta informed him about that.

[Shri K. C. Pant]

Then Shri Bade Shri Jharkhande Rai and Shri Bhogendra Jha and some others also spoke about the Maintenance of the Internal Security Act. About the maintenance of public order, I have already explained it in my main reply.

SHRI R. V. BADE, : That is not satisfacory.

SHRI K. C. PANT :, I cannot guarantee satis faction. I can only....*(Interruptions)*

SHRI R. V. BADE : There is no question. What is the meaning of public order?

SHRI K. C. PANT: I cannot brush it aside nor am I brushing aside what other hon. friends said with regard to taking away the jurisdiction of the Advisory Committee on this matter.

But in a warlike situation many occasions may arise where one cannot allow this to be submitted to the scrutiny of the Advisory Committee. But, in both these cases, whether it is the use of this Act for purposes of maintenance of public order or where there is misuse of any other kind, I have already said that I am prepared to look into this. I am also prepared in case there is misuse and if it comes to our notice, I am even prepared to consider revising this period of two years. Unless I get all the implications examined, I cannot agree. In fairness to me, the House should not ask it now. If, after examination, an amendment is called for, I will come forward.

SHRI BHOGENDRA JHA: If my amendments are accepted, how will the defence efforts be adversaly affected?

SHRI K. C. PANT: I have already explained the position.

SHRI INDRAJIT GUPTA: Indirectly, the implication here is that the Government have no faith in the advisory board That is what it boils down to. If the advisory board examines the papers and is convinced that the continued detention of the person is justified, they will say so, and otherwise, they will say that the person should be set at liberty. It is a matter of personal liberty of a citizen.

SHRI K. C. PANT: I fully understand that. That is why I am saying that if I find it necessary, I shall come forward with an amendment. But I do not want to take any step which in an actual situation of confrontation on the field, may create difficulties. Suppose we come across cases, it may create difficulties. Under the Maintenance of Internal Security Act, not much time is given for the preparation of the documents and the data etc. etc. and they will have to be given to the advisory committee....

SHRI BHOGENDRA JHA: For that, three months are sufficient.

SHRI K. C. PANT...All those processes are built into it. At a time like this, whether one can allow the administrative machinery so much time or whether more time would be required etc. are all matters which have to be examined. I cannot off the cuff make a commitment.

MR. DEPUTY-SPEAKER: I shall now put the amendments to clause 6 to vote.

SHRI BHOGENDRA JHA: I would like amendments Nos. 7 and 8 to be put to vote separately.

SHRI INDRAJIT GUPTA: Let the hon. Minister restrict it to (a) and leave out (b).

SHRI K. C. PANT : I shall have it examined.

MR. DEPUTY-SPEAKER: Now, I shall put amendments to clause 6, excepting Nos. 7 and 8, to the vote of the House.

Amendments Nos. 5, 14, 15, 16 and 17 were put and negatived.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 7 and 8 to the vote of the House . . . .

SHRI BHOGENDRA JHA: I want to press for a division on these amendments.

SHRI INDRAJIT GUPTA: This is in our opinion the most vital part of the whole scheme, because it concerns the personal liberty of the citizen. There must be proper safeguards.

15 hrs.

MR. DEPUTY-SPEAKER: Let the Lobbies be cleared. The Lobbies are cleared. I shall now put the question . . . .

SHRI K. C. PANT: I have just had a talk with my friends opposite. As I said, I do appreciate the sentiment expressed. I appreciate the apprehension voiced. But I also know the dangers which the country is passing through. I have said I would be prepared to consider an amendment, if it becomes necessary, and shall then come before the House. Therefore, I would appeal to the mover not to force the House to divide on this issue.

SOME HON. MEMBERS: Yes.

SHRI BHOGENDRA JHA: I hope that the amendment will come earlier, not after we go to jail.

SHRI K. C. PANT: May I express the hope that before three months we shall have victory and then the argument will not remain ?

SHRI INDRAJIT GUPTA: I hope after the victory, the emergency will not be continued.

SHRI BHOGENDRA JHA: The amendments may be put to a voice vote.

MR. DEPUTY-SPEAKER: I shall now put amendments Nos. 7 and 8 to vote.

Amendments Nos. 7 and 8 were put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 6 stand part of the Bill".

The Motion was adopted.

Clause 6 was added to the Bill.

Clauses 7 to 40 were added to the Bill.

Clause 1—(*Short title, extent, application, duration and savings*).

SHRI BHOGENDRA JHA: I beg to move :

Page 2, lines 6 and 7,—

omit "and for a period of six months thereafter" (6)

SHRI JHARKHANDE RAI: I beg to move :

Page 2,—

for lines 7 to 24, *substitute*—

"not more than three months." (11)

SHRI RAMAVATAR SHASTRI: I beg to move:

Page 2, lines 6 and 7,—

omit "and for a period of six months thereafter," (18)

श्री भोगेन्द्र झा : उपाध्यक्ष महोदय, मैंने क्लाज 1(3) में यह संशोधन संख्या 6 दिया है। मेरे ख्याल में विधेयक का यह हिस्सा सायद बिना पूरी तरह विचार किये हमारे सामने रख दिया गया है। इसमें कहा गया है कि यह विधेयक तुरन्त लागू हो जायेगा और यह संकट-कालीन स्थिति के दौरान और उसके पश्चिम छः सिक्स मन्थस् तक बराबर लागू रहेगा। इस सब-क्लाज में कहा गया है कि इस विधेयक के अन्तर्गत जो भी कार्यवाही की जायेगी, वह संकट-कालीन स्थिति के समाप्त होने के बाद भी कायम रहेगी। इस संशोधन के द्वारा मेरा उद्देश्य इस व्यवस्था को बदलने का नहीं है। यह कार्यवाही चाहे छः महीने के लिए जायज रहे और चाहे छः साल के लिए। लेकिन मेरी आपत्ति यह है कि इस सब-क्लाज में कहा गया है कि इस विधेयक के

[श्री भोगेन्द्र झा]

अन्तर्गत नजरबन्दी वगैरह की जो कार्यवाही की जायेगी, या सजा दी जायेगी, वह संकट-कालीन स्थिति के समाप्त होने के छ: महीने तक जारी रहेगी। इसलिए मेरा आग्रह है कि "एन्ड फार ए पीरियड आफ सिक्स मन्थ्स देयरआफ्टर" शब्दों को हटा दिया जाये। मेरा कथन यह है कि सकटकालीन स्थिति के दौरान इस विधेयक के अन्तर्गत जो कार्यवाही कर ली गई है, वह तो चाहे बाद में भी जायज समझी जाये, लेकिन सकट-कालीन स्थिति के अन्त के छ महीने बाद भी नई कार्यवाहिया होती रहे, यह मुनासिब नही है। यह जनतत्र के भी खिलाफ है और राष्ट्रीय हित के भी खिलाफ है। इसलिए मुझे आशा है कि मत्री महोदय मेरे इस सशोधन को स्वीकार कर लेंगे।

श्री रामावतार शास्त्री उपाध्यक्ष महोदय, इस विधेयक की धारा 1(3) में कहा गया है कि यह विधेयक तुरन्त लागू हो जायेगा और वह सकट-कालीन स्थिति के दौरान और उसके बाद भी छ महीने तक—"फार ए पीरियड आफ सिक्स मन्थ्स देयरआफ्टर"—लागू रहेगा। मैं समझता हूं कि इस विधेयक को सकट कालीन स्थिति के अन्त के बाद भी छ महीने तक लागू रखने की कोई जरूरत नहीं है। जब तक लडाई है, जब तक इमर्जेन्सी है, तब तक यह कानून लागू रहना चाहिए। जिस दिन लडाई खत्म हो गई, उसके दूसरे दिन इमर्जेन्सी की, और इसलिए इस कानून की भी, कोई जरूरत नही है। मत्री महोदय ने यह नही बताया है कि सकट-कालीन स्थिति को छ महीने बाद तक कायम रखने की क्या आवश्यकता है। मैं समझता हू कि उसकी कोई आवश्यकता नही है। फर्ज कीजिए कि कल लडाई खत्म हो जाये और परसों हिन्दुस्तान के किसान, मजदूर या आम जनता किसी बडे सवाल को लेकर सरकार के खिलाफ कोई आन्दोलन करना चाहे, तो उन्हे उसके लिए मौका नहीं दिया जायेगा, उनको छ: महीने तक इन्तजार करना पडेगा। मान लीजिए कि रेलवे या कारखानों के मजदूर आन्दोलन करना चाहते हैं, या किसान अपनी जमीन की लडाई लडना चाहते हैं, तो उनको छ: महीने तक रुकना पडेगा। इसलिए मैं इस संशोधन के द्वारा चाहता हू कि "एन्ड फार ए पीरियड आफ सिक्स मन्थ्स देयरआफ्टर" शब्दों को हटा दिया जाये। जब तक लड़ाई रहे, तब तक तो इस विधेयक को लागू रखने का औचित्य है, लेकिन उसके बाद इसको छ: महीने के लिए जारी रखने की आवश्यकता नहीं है, क्योंकि वह एक जनतत्र विरोधी स्टेप माना जायेगा

श्री झारखण्डे राय: उपाध्यक्ष महोदय, अगर मंत्री महोदय इन दो तरमीमो को स्वीकार नहीं करना चाहते हैं, तो मुझे आशा है कि वह मेरी इस तरमीम को जरूर स्वीकार कर लेंगे। धारा 1(3) में कहा गया है कि यह विधेयक संकट-कालीन स्थिति के समाप्त होने के छ महीने बाद तक लागू रहेगा। मैंने यह सशोधन दिया है कि इस अवधि को "नाट मोर दैन थ्री मन्थ्स" कर दिया जाये। अगर सरकार उसको तुरन्त समाप्त न करे, तो वह उस को अधिक से अधिक तीन महीने के लिए लागू रखे। इससे उसका मनसूबा पूरा हो जायेगा और हम लोगो को भी जनता के आन्दोलनो को छेडने का अवसर मिल जायेगा। वैसे तो सकट-कालीन स्थिति के खत्म होने के बाद इस कानून को दो दिन, एक हफ्ते या एक महीने में भी खत्म किया जा सकता है। इसलिए "नाट मोर दैन थ्री मन्थ्स' तक इस कानून को जारी रखने की बात का मान लेने में कोई दिक्कत नही होनी चाहिए। मुझे आशा है कि मत्री महोदय मेरे इस सशोधन को स्वीकार कर लेंगे।

SHRI K C PANT I would have certainly considered accepting Shri Jharkhande's amendment were this not related to the Constitutional provision, article 250, which relates to the power of Parliament to legislate with respect to any matter in the State list if a proclamation of emergency is in operation Sub-clause (2) of this article says, "A law made by Parliament which Parliament would not but for the issue of a Proclamation of Emergency have been competent to make . . ." etc, and " . . cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate . " So, this is related to this particular provision of the Constitution.

SHRI BHOGENDRA JHA: That is the maximum limit What is the interpretation?

SHRI K. C. PANT : ". . . cease to have effect on the expiration of a period of six

months after the Proclamation has ceased to operate." May I explain it ? I have practical reasons for this also. In the last Defence of India Act, there was a provision for gold control rules. After the Defence of India Act came to an end, when the emergency ended, the Centre had to legislate thereafter to put the Gold Control Act on a permanent footing. Therefore, a certain period is required thereafter. This is the purpose why this is included.

MR. DEPUTY-SPEAKER : Shall I put the amendments to clause 1 ?

श्री जोगेन्द्र झा उपाध्यक्ष महोदय, मेरा कहना यह था कि जो विधेयक है उसके अनुसार ऐसी कार्यवाहिया जो वह इस बीच में किए रहेंगे वह तो आगे भी जायज रहेंगी, उसके बारे में मेरा संशोधन नही है। मेरा कहना यह है कि आपात कालीन स्थिति में 6 महीने बाद तक यह कार्यवाही करते रहेंगे, नई कार्यवाहिया करने रहेंगे, उसके लिए मेरा निवेदन है कि वह चीज निकाल देनी चाहिए।

MR DEPUTY-SPEAKER : Shall I put the amendments to clause 1 to the vote of the House.

Amendments Nos. 6, 11 & 18 *were put and negatived.*

MR. DEPUTY-SPEAKER: The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Enacting Formula and the Title were added to the Bill.

SHRI K. C. PANT: Sir, I move:

"That the Bill be passed"

MR. DEPUTY-SPEAKER : Motion moved:

"That the Bill be passed."

SHRI A. K. GOPALAN: Sir, I would not have taken this opportunity at the third reading stage to oppose this Bill. But I have heard the speech of the hon. Home Minister; and he has not accepted the amendments moved by us. If these amendments were not accepted, it means that the powers will be certainly misused. There was a verbal promise that it would not be misused. But I am myself a victim of that misuse; there are so many others who were also victims. I was detained for four years and I filed a writ petition and the court released me saying that I was detained without any reason When I left the court premises, I was arrested again. Will there be no such misuse again? I came outside the Madras High Court, to the gate of that building after I was released but I was re-arrested and detained. After the Defence of India Act is passed here, the District Magistrate or somebody else will say: I am convinced that there will not be public order and so this man should be arrested, even when a person is released by the court The Home Minister may have good intentions. But we have seen how the Act was implemented.

I am in this Parliament since 1952. There are others. What we have seen is that inspite of the fact that so many promises were made that the Act would never be misused, they had been misused; there is a legitimate apprehension that it will be misused again.

As far as the minorities are concerned, a promise was given here. But it is not the Home Minister who is acting; it is the bureaucracy. They say: we are convinced that such and such a person should be detained. He may be an innocent man. But these powers were used against the minorities. They say that they want these strong powers under the Defence of India Act. Having got those powers, anybody who wants to misuse it can do so.

There are the fundamental rights. Some local authority may say that there is no

[Shri A. K. Gopalan]

maintenance of public order. Even today, when there is no declaration of emergency in so many places the elementary right of processions and demonstrations and meetings are banned. Needless to say that even the elementary rights will not be allowed when there is the Emergency and the Defence of India Act comes into operation.

As for workers, an amendment was sought to be moved saying: do not compel them. As for their contribution, you will get it. Even that amendment was not accepted. The phrase: maintenance of public order is very wide indeed; that can be used in each and every case. If two drunken people have a brawl, it can be said there is no public order and they can be detained.

Maintenance of public order has been used before in many cases against those whom they wanted to book, and it will be done again.

As far as prices are concerned, what is the difficulty in the Government saying that hoarders, profiteers and blackmarketeers will be punished under this Act? If Fundamental Rights can be curbed, why not say that these people will be punished?

I oppose this Bill very strongly because some of the Clauses are likely to be misused by the bureaucracy and the officials, and the people, instead of being enthused to fight the enemy, will become discontented. Not only the fighting front, but the rear is also important. People will give money in the interest of the country, and they should not be forced to give. This is not the method of enthusing the people. Even this minor amendment has not been accepted. That means that every opportunity is given to those who are going to implement the Act to misuse it, to take revenge against their enemies. So I hope at least this amendment will be accepted. If it is not accepted, I strongly oppose the Bill.

SHRI PILOO MODY (Godhra): I sympathise with Mr. Gopalan's liberty although I cannot sympathise with his philosophy. The Home Minister, in fact Parliament itself, the Government, the Prime Minister has received only this morning unanimous support from all sections of the House. All of us, in spite of the acrimony of only this week's debate, have unhesitatingly, unstintingly and wholeheartedly joined our ranks in support of the Prime Minister in the arduous task of keeping the wolves away from the door. In a situation like this I should have thought that the Home Minister himself would have felt a certain sense of humility not only in the confidence that has been placed in him and his Government but also in the nature and manner and the electrifying method by which this tremendous support has been given to this Government.

There are certain points that have been made in the amendments which were patently just. After all, this is not a new Bill that has come into our life, it is a Bill that we have lived with not only since Swaraj but even before, and many of us have witnessed the injustice and misuse of such a Bill. On each occasion the injustice and misuse have been pointed out, and on each occasion the Home Minister, whoever the incumbent, has given assurances of what a good boy he is and each time these assurances have been laid to rest. Only a few months ago a substitute for the P.D. law was also enacted by this Parliament. At that time I said to the Minister that wherever necessary, in order to maintain integrity and even law and order, we would give the Government whatever powers it desired. We will give Government whatever power it needs, just power, but let it not ask for more than it needs, because this is not a need; it is agreed. Therefore, although today on this occasion, I will do nothing to upset the digestion of the Home Minister and the Government, I would only like to advise him to gear his

demands to his needs and to his greeds. Let him do something more than just giving assurances. Let him satisfy us that the powers that are being given to him right now will not be subjected to misuse.

SHRI H.N. MUKERJEE (Calcutta-North-East): Sir, I feel it is a great pity that even on this occasion, Government has not had the grace to come forward and accept some of the amendments which were suggested. Earlier today, this House witnessed a rare occasion of a kind of national unanimity, which should have made some genuine impression on the mind of Government. But when I heard my friend, Mr Pant, replying to the discussion on the different clauses, I was beginning to have a suspicion that perhaps this Government, graceless as it appears to be even on this day of days when all our hearts are overflowing with a sense of patriotic endeavour and dedication, seem to be attempting to exploit the euphoria of this morning for petty political purposes. I say so, because as my friend, Mr. Gopalan pointed out, we have been long enough in this House, to have found out how on such very serious occasions, assurances given by the Government were belied and remained merely on paper.

I had no mind earlier today to intervene, but I got up just because I wanted to point out how earlier on many occasions in 1962 and again in 1965, Government promised to hold the price line but egregiously failed. On this occasion, when a concrete measure was suggested, not that Government could actually implement it, but it was to be put on the statute-book, regarding a genuine, material and concrete way of securing the price structure, he refused to concede the point. The ugly word "public order" makes its reappearance and it makes me feel rather apprehensive about certain things.

I remember in 1962, on the day that our party, which was then undivided, extended our unstinted support to the Defence of India Bill, the General Secretary of our Party, Shri E. M. S. Namboodiripad was arrested and I had to refer to that thing in the course of my speech, in which of course, I again reiterated the entire and unconditional support of our party, to the Defence of India Bill. On the next day another colleague of ours, who had spoken in support of the Bill, Mr. Nambiar, was stowed away in jail. Many other instances have taken place of which I do not have the time to go into and at this point of time, I also do not want to introduce any acrimony into the debate today at any rate. But this is the sort of experience which we have had.

In regard to the minorities particularly the Muslim minority, I am glad Shri Pant said some very warm-hearted words in regard to them. But there again, I would like to pin them down to a very much more concrete assurance about what is to follow. I recall that in 1965, during the Indo-Pakistani confrontation, the first award of this country of Param Vir Chakra went to Havildar Abdul Hamid Khan of the Indian army.

The first award of Mahavir Chakra in this country has gone to Brigadier Usman during the Kashmir campaign in 1947-48. I remember how Muslims have come forward in this country to say that this country belongs to them. I remember on one occasion a Muslim leader, even before independence, even while supporting the idea of Pakistan had said that when a Hindu dies his body is burnt and the ashes are thrown into the river to be carried, God knows where, but when a Muslim dies he needs six feet by three feet of Indian soil, as he belongs to this country in life as well as in death. This is the attitude with which some of our fellow patriots among the Muslims are enthused. I remember one of our colleagues in the last Parliament, Shri Baddruduja. I cannot to this day conceive of or believe that he is a man with traitorous intentions to this country. Even

(Shri H. N. Mukerjee)

though we have been assured in this House that he would be brought to trial, he is rotting in jail without trial month after month. This is the way the assurances given about all kinds of considerations are honoured and this is the human behaviour meted out to the minorities.

I am not going to put a spoke on anybody's wheel and I do not want to sound a discordant note. We are not going to oppose this Bill because this country has got to stand together to fight the menace and win over as soon as ever that is possible. We have been always yearning, hungering and thirsting to find out more news about what is happening to this country, particularly in the Bangladesh deliberation, which is something very near to our heart.

I do not want to waste the time of the House nor do I want to enter into an acrimonious discussion. Even so, I had some expectation that this government would have the grace to accept some of the things suggested. But, somehow or other, that grace seems to be absent. I do not know why we cannot get rid of this habit even on this kind of occasion when everybody's heart is over-flowing and when everyone is behind the nation as one man. We do not see that it is only by extending the ambit of genuine popular freedom, it is only by strengthening and fortifying the rear of our country, the morale of our working people, it is only by seeing to it that they are not put to any kind of avoidable jeopardy, it is only in that way that the glow of freedom can burn in the hearts of our countrymen. But that glow would not come if the government happen to persist in this kind of attitude. I am very sorry to have to bring in something like a note of discord, but we are naturally apprehensive of the intentions of the government because of government's egregious behaviour in not accepting at least some of the amendments which would have placed some control on the executive.

SHRI V. K. KRISHNA MENON (Trivandrum): MR. Deputy Speaker, Sir, I am at a stage when whatever I say would not make any changes in the Bill. So, I say this in the hope that the Ministers would think about it in the execution and implementation of these matters.

There are four specific points that I want to raise here. Firstly, this Act will not take away the fundamental rights. It is a mistake to think so. It will only take away the remedy to the denial of fundamental rights; that is to say, after the repeal of this enactment, we could fight for remedies against the government unless they indemnify themselves. Of course, that is a long way off. But that does not take away the fundamental right. That is the main thing. But we cannot get the remedy.

Therefore, certain safeguards have been imported into the much abused judicial interpretation. The first of it is that any imprisonment that takes place, any action that takes place under these laws are violation of natural justice. That will be taken notice of by the courts, and natural justice in our laws, as it has grow, is no longer a nebulous conception. We know what is natural justice. If there is violation of natural justice, then there is a cause of action. I am putting it as briefly as possible. The second aspect of this point is that a charge in natural justice would include for example that the man who is charged against should have an opportunity of repudiating the charge at the earliest possible moment. You cannot have something written behind the back by the same man who has put him under imprisonment, because that is denial of justce.

Secondly, the charges cannot be vague according to the court. That is to say, without giving the date, without saying where he saw, whom he saw, simply stating that he was in such and such place, he talked such and such thing, without giving the

names, without giving the courts any idea of assessing whether it is true or not, if the charges are so vague, then the man would be released.

Equally, if four charges are made and one of them happens to be of a defective character, the whole thing goes. In the case of a large number of offences, which the whole House and the most ordinary people regard as heinous, like smuggling or something of that kind, the courts have definitely laid down that for what is coming under the ordinary penal laws you cannot use the Defence of India Act There was a case somewhere from Kerala where a man was selling kerosene at a high price and he was put in jail under the Defence of India Act. Justice Gajendragadkar who presided said, "You cannot use a hammer to kill a fly." So, if there are four charges and one of them does not come under public security or public order, all other charges are vitiated.

What happens is that one small trader is disliked by his rival; he gets the help of a policeman and says that he was talking to a Pakistani or that he was smuggling gold, and he is put in prison It is quite true that he might be smuggling gold. But you cannot put him in prison under the Defence of India Act because there are penal laws for that purpose. So, in a mixture of charges if one of them is defective or questionable, the whole thing goes and he has to be released.

Thirdly, when the advisory committee tells a person what the charges are, there must be an opportunity to the person to explain his own position, not necessarily through lawyers. I am one of those people who think that the fact that you have appointed a man who has been a High Court Judge before, is no guarantee of objectivity. The tribunal must be impartial in the sense that it must apply its mind and adopt quasi-judicial procedures. It must be built into the Judge that he will not take to star chamber methods. To my mind, if a retired High Court Judge, may be out of patriotism, is prepared to accept procedures whereby you can try people under star chamber methods, taking secret evidence which cannot be shifted, he forfeits his character of judicial independence. So, to me just because a person has been High Court Judge for some years, that is no guarantee at all.

Fourthly, the present state of our law, irrespective of whatever you may say about nonjusticiability, still makes a thing justiciable when it is brought before the courts if it is a fraud on the Constitution. Fraud on the Constitution is what is called malice in law; using one law for another purpose. If the law is intended for one purpose and you use it for another purpose, it is a fraud on the Constitution. If it is a fraud on the Constitution or colourable action or *mala fide*, it has to be brought before the courts.

All these things really refer to the Law Minister who is conveniently absent. I hope, the Prime Minister is listening as she always does. It is no use appealing to the Home Minister. With great respect to him, he is the most cynical minister I have met in regard to the liberty of the people. The other day, after beating eleven people to death, he turned round and said, "We are going to have prison reform." That is a little bit too thick.

The last thing I want to say is that in view of the circumstances, the two Home Ministers sitting here, who have the responsibility for this, should give directions to administer whatever treatment is required to their executive officers, particularly the police, in the way they should handle it. After all, other people are being deprived of various things. That set of directions should more or less go as quasi-judicial directions.

I will conclude by saying that I am quite aware that whatever assurance the Minister or the Government gives in Parliament has no validity in law. Any speeches that they

[Shri V. K. Krishna Menon]

make have no validity in law. Therefore, merely saying that they will do this or even giving solemn assurances will not do. It must be written down in the statutes or rules of business or directions. If there is anything given in writing, there will be some security for the harassed citizens who in this very large country are under the octopus of a very large administration.

SHRI JYOTIRMOY BOSU : Sir, we have learnt later that the Speaker in his wisdom has suspended two Rules which required the Bill to be circulated a certain time in advance. I do not expect the Government to undermine this House and allow it to function with certain adjustments if it is necessary. If you are not thinking in terms of mobilisation of people, particularly, working people and public opinion, you are making a great blunder here. That I must point out.

Please tell us what was the need of this Bill. You have sufficient powers under the existing Maintenance of Internal Security Act and the Prevention of Violent Activities Act. The whole nation is behind you. Why is it that you want to assume extra powers? Under the Maintenance of Internal Security Act, you have arrested not less than 1500 people in West Bengal and under the Prevention of Violent Activities Act, you have detailed about 4000 people. It is more known for its misapplication than for its proper application.

Comrade H. N. Mukerjee talked about the arrest of Syed Baddruduja who was twice offered a Cabinet post here. Because he was not willing to join the Congress, they have now put him behind the bars. The High Court has released him. They have again arrested him and prosecuted him under the Official Secrets Act although he had never held any office of profit under the Government. Although he was arrested on 1st June, till today, he has not been given a charge-sheet. This is nothing but misapplication.

In 1965, although an assurance was given on the floor of the House, as I read from the proceedings, you had arrested not less than 9000 minority Muslims in this country without trial with one stroke of pen and, after some time, you released them with one stroke of pen without showing any rhyme or reason. As a result, many small people and big people also and their families got themselves completely ruined.

In the whole of the country and specially in West Bengal, the same set of oppressive bureaucratic machinery is functioning and they have become more powerful than they were in 1965. You can very well imagine what will be the fate of those who will not be liked by the bureaucratic machinery and the Government.

Look at this Bangla Desh issue even. I have a paper clipping which says that Rs. 2 crores have been misappropriated by the Rehabilitation Department under the account "purchase of tents" You know your bureaucracy; you know your official machinery. In spite of that, you want to give them more powers, etc. etc.

May I point out that sacrifice has to come from the upper strata. The very word "black money", the very word "black market" came into existence during the Second World War. The Government has failed in checking hoarding, profiteering, all these things, for the last so many years. During the last three years, the rise in prices has amounted to 35 per cent. They have utterly failed. As regards the expansion of the scope of the Essential Commodities Act in this Bill, they have not done it. That goes to show that they will completely surrender themselves in the hands of the profiteers, hoarders, etc.

Comrade Indrajit Gupta mentioned about the arrest of Comrade Ved Prakash.

He has been arrested only 5 or 6 miles away from Delhi. It will take just 15 minutes to give a ring and find out why he has been arrested. You have not done it so far. I suspect there is a skeleton in the cupboard. There are many cases and the present machinery of bureaucracy is basically anti-people and, unless there is strict check on that, everything will be misused.

There will be occasions when this will always be applied against weaker sections of society. We have seen how policemen and jotedars have been joining hands in evicting bargadars in West Bengal. All these powers will be utilised under the blanket powers they have taken Also, coming to the insecurity of the political opponents (*Interruptions*)

MR DEPUTY SPEAKER : Order, order. Kindly be brief.

I am only concerned with the time of the House. This has got to go to the other House also I am making a request to you to be brief

SHRI JYOTIRMOY BOSU: There is no indication The Government has not come out with an austerity programme on the Government itself. The expenses on Ministers, conservation of resources, all these things—there is no mention about that. We want that this should be undone. This Act should have a natural death within fifteen days time the war is over.

Last thing. In many States, Citizens' Councils have been presided over by a non-official. But, in West Bengal, why is it that you have planted an official to head the Citizens' Council?

SHRI K. C. PANT : Many of the points that have been made in the Third Reading have been made in the course of the First and Second Reading as well and I hope my hon. friends will permit me not to refer to them again because it will mean the repetition of the same arguments.

I would only like to put the things again in the perspective. Firstly, this is an extra-ordinary measure which is required in an extra-ordinary situation. It is not a permanent measure on the statute book. It is there to take care of the emergency that has arisen and for which this whole House and the whole country feel greatly concerned. It is a matter which involves the very survival of the country and, therefore, there can be no occasion of allowing any risk to be taken. Even if the measure appears somewhat stiff, somewhat sever, it has to be viewed in the light of the situation that exists on the borders and in the light of what is going on in Bangla Desh and in the light of the aspirations of the people of India. In regard to what is going on on the borders and inside Bangla Desh it cannot be torn away from the context in which we are discussing it Once the context is kept in mind, I think much of what has been said would have been said in a different manner.

The second point I want to make is that this is more or less as the Prime Minister said, the same measure that came before the House in 1962 and it is more or less the same.

SHRI DINEN BHATTACHARYYA : No, no.

SHRI K. C. PANT : Largely, I can tell you I know, it is largely the same.

The third point is that so many friends seem to think that the Maintenance of the Internal Security Act is being brought in through this measure. It is not correct. Some provisions relate to the Maintenance of Internal Security Act and some of those have been taken objection to by some friends. But the Maintenance of Internal Security Act is on the statute book quite apart from this measure. This is also to be kept in mind.

[Shri K. C. Pant]

I am very sorry that I have not been able to win the approval of Mr. Krishna Menon. When I was replying to the question the other day, somebody asked me, 'what have you done about reforms in prisons?' and in relation to that particular incident I answered in that context. If he reads all the questions and my answers, he will get the total picture.

So far as my hon. friend, Mr. Mukerjee is concerned for whom I have the deepest respect, I am sorry he has used the words 'petty political purposes'. 'The Government has brought forward this Bill for petty political purposes.' I don't think that defence of India is a 'petty political purpose'. That is the only purpose which we have in mind in bringing forward this measure. But, I agree with much of what he said about the minorities, about the need to pull together, about the need to take severe and stringent action against hoarders and black-marketeers, about the valour of Abdul Hamid as well as Brig. Usman to which he has referred. I agree with all that. I would appeal to him. I would appeal to other hon. friends opposite that even though they may have certain apprehensions regarding certain measures, it is in a spirit of all of us pulling together in this emergency that we must regard this measure and I have promised and I hold to that promise that I shall, while framing the Rules, consider all the suggestions that have been made and, if necessary, I shall come before the House with an amendment. That I have said. I mean it because I do realise that this is not a motion on which the House should divide and if over some clause or sub-clause we have differences of opinion, we can certainly sit down and iron out the differences which we cannot do on the floor of the House because of the time factor. We can certainly sit down and discuss with the hon. Members and we can come to an agreement. It is in that spirit that I would like you to take this.

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

4.45 hrs.

JAYANTI SHIPPING COMPANY (ACQUISITION OF SHARES) BILL—*contd.*

MR. DEPUTY SPEAKER : The House will now take up further consideration of the following motion moved by Shri Raj Bahadur on the 3rd December, 1971, namely:—

"That the Bill to provide for the acquisition of the shares of the Jayanti Shipping Company Limited in order to serve better the shipping needs of the nation and to facilitate the promotion and development, in the interests of the general public, of national shipping and for matters connected therewith or incidental thereto, be taken into consideration."

श्री झारखण्डे राय (धोसी) : उपाध्यक्ष महोदय, मैं जयन्ती शिपिंग कम्पनी (ऐक्विजिशन आफ शेयर) बिल के मूलाधार का समर्थन करता हूं। पिछले मध्यावधि चुनाव के पहले कांग्रेस पार्टी और उसके नेता ने इस बात को स्वीकार कर लिया कि राष्ट्रीयकरण का ही रास्ता है जो समाजवाद की ओर देश को ले जा सकता है। वही उसके मार्ग को प्रशस्त करता है, और उसके आधार पर चौदह बैंकों का राष्ट्रीयकरण किया गया था। भारतीय कम्युनिस्ट पार्टी ने उसका हार्दिक समर्थन किया था। लेकिन मुझे यह कहते हुए दुःख हो रहा है कि वहीं पर कदम रुक गया। देश की जितनी बैंकिंग इंडस्ट्रीज हैं उनके पास कुल जमा पूंजी आज 50 अरब रुपये से कम नहीं है। वह सबकी सब कलम की एक ही नोक से ले ली जानी चाहिए थी। लेकिन कदम भी उठा तो आधा उठा। इसी बात की शिकायत हमको रही है और आज भी है। पौने तीन सौ बैंकों को आज भी सरकार ने अपने

हम में नहीं लिया है जब कि देश में 204 बैंक हैं। कदम अधूरे का अधूरा रह गया। जब सिद्धान्त को स्वीकार कर लिया गया तो कदम भी तेजी से बढ़ना चाहिये। यही समय की अपेक्षा है। अपार समर्थन लेकर अपार बहुमत प्राप्त करके, दो तिहाई से अधिक बहुमत प्राप्त कर कांग्रेस पार्टी इस सदन में आई है। नौ महीने बीत चुके। किन्तु अब तक केवल ऐसे कदम उठे हैं जिनका असर देश की करोड़ों जनता पर कुछ नहीं पड़ा है, केवल मुट्ठी भर पढ़े लिखे लोगों पर नहीं। लोगों को विश्वास होना चाहिये कि सचमुच में गरीबी हटाओ के नारे को तरफ़ सरकार के तेज कदम बढ़ रहे हैं। पिछले नौ महीने में दो ही कदम ऐसे उठे हैं जिनका समस्त प्रगतिशील भारतीयों ने समर्थन किया है। एक तो कोकिंग कोल का राष्ट्रीकरण किया गया है, सारे कोयले की खानों का नहीं। कदम उठते हैं लेकिन अधूरे। कांपते हुए कदम उठाए जाते हैं, हिचकिचाते हुए कदम उठाए जाते हैं। यह नीति कब तक चलेगी। दूसरा कदम जयन्ती शिपिंग कम्पनी के राष्ट्रीयकरण के रूप में उठाया गया है। इसका हम पूर्ण समर्थन करते हैं। और स्वागत करते हैं हमारी पार्टी ने भी इसका हार्दिक स्वागत किया है। अगर नौ महीने में दो कदम उठाए जायेंगे और इसी रफ्तार से चला जायेगा तो हिन्दुस्तान में समाजवाद नौ हजार साल में भी नहीं आएगा। समाजवाद की बात तो दूर रही, रैडिकल बुर्जुआ रिफार्म कहते हैं उधर भी कदम नहीं बढ़ेंगे। तब गरीबी हटाओ का नारा सबसे बड़ा फ्राड या हिपोक्रेसी सिद्ध हो जायेगी, यह बात जनता के दिमाग में घर कर जाएगी। इससे सबको नुक्सान होगा आपको भी होगा और देश को भी होगा। समस्त देश की समाजवादी शक्तियों को इससे नुक्सान होगा। यह कहा जाएगा कि समाजवाद के नाम पर धोखा दिया जा सकता है और दिया जा रहा है। तब जनता की अरुचि समाजवाद के प्रति पैदा हो सकती है। इस बात का भी खतरा है कि जनता ऐसी शक्तियों की तरफ झुके जिनको न आप चाहते हों और न हम चाहते हैं और न ही सरकारी पार्टी चाहती है। इस पृष्ठ भूमि में मैं जयन्ती शिपिंग बिल का समर्थन करता हूं।

15.51 hrs.

[Shri K. N. TIWARY *in the chair*]

जब राष्ट्रीयकरण के सिद्धान्त को स्वीकार कर लिया गया है तो उसकी तरफ़ बढ़ने में हिचकिचाहट नहीं होनी चाहिये। कदम बराबर आगे से उठना चाहिये। छोटे छोटे कदमों से कोई लाभ नहीं होता है। इस महान देश की 55 करोड़ जनता पर ये प्रभाव नहीं डाल सकते हैं, उनसे उतना लाभ नहीं होता है जितना होना चाहिये। इन छोटे छोटे कदमों से जन जीवन को सुन्दर नहीं बनाया जा सकता है, जन जन में एक नई आशा का संचार नहीं किया जा सकता है, नई आशा की किरण पैदा नहीं हो सकती है। कल का दिन आज से अच्छा होगा इसका विश्वास जनता को होना चाहिये। हिन्दुस्तान के लाखों मजदूर, करोड़ों किसान, करोड़ों छोटे तबके के लोग, कम आमदनी वाले लोग, छोटी पूंजी वाले लोग अगर इस विश्वास को लेकर नहीं चलते हैं कि कल का दिन आज के अच्छा होगा तो इससे आपको भी और हमको भी खतरा पैदा होगा और देश के भविष्य के प्रति भी एक प्रकार की अवास्था पैदा होगी, निराशा और हताशा पैदा होगी। जनता में जब हताशा और निराशा पैदा होती है तो कोई भी देश न तो मोर्चे पर लड़ सकता है और न ही घर में लड़ सकता है। मोर्चे पर जो जवान लड़ रहा है वह अपने घर में किसी न किसी गरीब का बेटा है या निम्न मध्यम वर्ग का लड़का है या मध्यम वर्ग का सपूत है और उसको अगर घर की चिंता रहेगी, अपनी बीवी का दुख भरा पत्र उसको मिलेगा तो मोर्चे पर वह क्या लड़ सकेगा। उसको अगर अपनी पत्नी या बच्चे की तकलीफ़ की बात मालूम हुई तो उसका निशाना चूक जाएगा, उसका मन मरने की तरफ आगे नहीं बढ़ेगा, उसका मन उलझ कर रह जाएगा और वह दुश्मन का मुकाबला उस जवांमर्दी से नहीं कर सकेगा जिस जवांमर्दी की आज राष्ट्र को जरूरत है, जिस जवांमर्दी की आज मोर्चे पर जरूरत है। यह जरूरी है कि हिन्दुस्तान के करोड़ों गरीब लोगों को एक नया विश्वास, एक नई आशा सचमुच दी जाए। याद रखिए शासक पार्टी को मैं कहना चाहता हूं कि नौ महीने में बहुत पानी बह चुका है पुल के नीचे, हवाएं आपके पक्ष में नहीं हैं उस तरह से जिस तरह से जनवरी फरवरी में थीं और अगर आपत्कालीन स्थिति न होती, सामान्य हालत देश में रहती तो आपको इसका पता चल जाता। जो सिद्धान्त है उसको स्वीकार करके दृढ़ता से आपके कदम उठने चाहियें, कदमों में कम्पन नहीं होनी चाहिये, हिचकिचाहट नहीं होनी चाहिये। लेकिन मुझे अफ़सोस के साथ कहना पड़ता है कि सरकार की पूरे नौ महीने की नीति में मुझे यही दिखाई पड़ा है। मैं अन्त में कहना

[श्री बारबंकी राम]

चाहता हूं कि जितने बैंक हिन्दुस्तान के हैं चाहे देशी हैं या विदेशी, सबका राष्ट्रीयकरण कर दिया जाए, सभी जूट मिलों, समस्त चीनी मिलों, कोयले की सभी खानों, चाय के सभी बागानों, जूट की सभी मिलों, सिमेंट, लोहा आदि के कारखानों, खनिजों आदि का राष्ट्रीयकरण कर दिया जाए। जो मुख्य और बुनियादी उद्योग हैं, जिसको बेसिक इंडस्ट्री कहते हैं वे सब राष्ट्र के हाथ में होने चाहिये, उन्हें राष्ट्रीय सम्पत्ति घोषित की जानी चाहिये। आपने ऐसा किया तो सारा हिन्दुस्तान रोम रोम में आपका समर्थन करेगा। जो बड़े बड़े पूंजीपतियों के 75 खानदान हिन्दुस्तान में हैं उन पर भी हमला होना चाहिये। हिन्दुस्तान की तीस अरब पूंजी में से बीस अरब पूंजी जो निजी क्षेत्रों में लगी हुई है, उसे ये 75 एकाधिकारी पूंजीपती परिवार ही कन्ट्रोल करते हैं। राजा महाराजाओं के बाद उनकी ही बारी है। राजा महाराजा कमजोर हो चुके थे। सामन्तवाद हिन्दुस्तान में कमजोर हो रहा था लेकिन ये जो नए बानिए हैं, मास्टर हैं, हिन्दुस्तान में एकाधिकारी पूंजीवाद के सिम्बल हैं, इन पर भी हमको हमला करना है, इन 75 खानदानों पर भी हमको हमला करना है।

इन शब्दों के साथ इस बिल का तो मैं समर्थन करता हूं लेकिन मैं चाहता हूं कि बड़े कदम आप उठायें। सबसे बड़ा हमला पहले 75 खानदानों पर होना चाहिये। जो सबसे बड़े मौत के व्यापारी और खून के सौदागर, घनश्यामदास बिड़ला और टाटा हैं, इन पर पहले हमला होना चाहिये। इन शब्दों के साथ मैं इस बिल की मूल आत्मा का समर्थन करता हूं।

सभापति महोदय : डिफेंस मिनिस्टर पांच बजे या पांच बजे के बाद हाउस में एक स्टेटमेंट करेंगे। उसके बाद ही हाउस एडजर्न हो सकेगा। आपको यह बता देना जरूरी था।

SHRI N. K. P. SALVE (Betul) : Mr. Chairman, Sir, we are debating this Bill under the dark shadows of a war which has been foisted on us by the butcher of Islamabad and his mercenaries. And as I look at the empty benches and the empty press galleries, I realise that everyone in this House and outside today is concerning himself primarily with doing things which have direct connection with war efforts.

Sir, I wish we were discussing this Bill under circumstances when we could have a more adequate debate, because the subject-matter of this Bill has nexus with performance of a public sector which, for a change, we find has unfolded story of achievements in one public sector establishments in the field of Shipping which are very highly commendable and for which the Government deserves my congratulations.

The management and control of the Jayanti Shipping Co., which was in the private sector was taken up through an ordinance sometime in June, 1966, and the control and management vested in a Board of Control. Thereafter, the Board appointed Shipping Corporation of India to be the managing agents of this company. When the managed company was taken over, it had been fleeced and exploited by the unprincipled and ruthless people who were in charge of the management. I am not referring at all to the various acts of malfeasance and misfeasance, because they are the subject-matter of adjudication in different courts. But this report of the Board of Control, dated 5-10-1970, which is the only document that is available to throw some light on the working of the Jayanti Shipping Co. Ltd., reveals in what a terrible mess this company was when it was taken over by the Board of Control.

After the management vested in the Shipping Corporation of India a dynamic philosophy of management seemed to have been followed with ruthless efficiency for though when it was taken on at a time when the entire capital was nearly wiped out, today the Company has made profit nearly three times the capital. It is a tribute to the efforts put in by the people incharge of the management. They deserve our salutations. Shipping business is not a monopoly business. One may say that in monopoly business Government enterprise can earn any amount of profit. Shipping business is far

from being a monopoly business. There is not only internal competition; there is competition in the international area. In the midst of this cut throat competition the management has resuscitated this company and placed it on solid foundations.

16 hrs.

When the company was taken over it was found that due to mismanagement the company was bankrupt. It had no liquid resources. The suppliers of goods and services refused to give the customary credit given to Shipping companies. Wages of crew and officers had been in arrears for quite some time.

The company had taken large private fixed deposits. And there is a terrible racket about these fixed deposits going in the country today Private sector is taking large fixed deposits; they are not within the regulation of the Reserve Bank. Invariably, I find that these deposits by imprincipled management is used for speculative purposes. In this case I do not know whether there was any speculative element. There was large scale speculation by fraudulent management and all the private depositors would have lost their money.

Because when the fixed deposits matured, the moneys were not paid back or returned. The provident fund money was not invested in accordance with the requirements of the statutory provision and the situation had become extremely grave and the company was on the verge of financial collapse. If it had not actually collapsed, it was a matter of surprise. At this juncture the touch of a wizard was necessary a person who could bring in the necessary expertise in the management philosophy to resuscitate the company.

Normally no body would be willing to touch a company like this with a 20 feet beargo poll. The Government enterprise came out and took up management boldly. People have been criticising Pandit Jawaharlal Nehru for showing some patronage to Dharma Teja. It is unfortunate that Dr. Teja should haveaggrandized his personal interests to the detriment of the company and the nation. It was said that Dharma Teja enjoyed certain amount of patronage and favours from Pandit Nehru and that is how could float this company. Today's performance of the Jayanti Shipping Company under Shipping Corporation is a tribute to Pandit Nehru who envisaged a magnificient commercial organisation. But if a wrong set of people were to manage a company, one could not expect good results. When basically you are following a wrong direction you cannot expect to reach right results. The moment an honest and well-meaning management came to power, the entire picture has changed and today one finds this company extremely flourishing.

As soon as it was taken over, the management got rid of the obsolete vessels and did everything that was possible for a business organisation to get the confidence and respect of its associates and clients and other people with which it had dealings in the normal course of business. Confidence was restored as a result of good management. New vessels were obtained. Thereafter one finds that business has gradually been on the increase. Action was taken against those people who had fleeced the company in violation of the provisions of the Company Law, Income-tax Act and other laws of the land.

Various suits have been filed in Courts in Delhi, Bombay and in New York against some shipping agents. If one were to see the position of the accounts, one is simply left in amazement and wonderment at the magnificient performance of this company in the preceding five years. Initially

[Shri N. K. P. Salve]

a loss was sustained by the company, and I find from the Profit and Loss Account in the Balance Sheet that the first year's working under Shipping Corporation resulted in loss of about Rs. 2.05 crores which included a loss of about Rs. 70 lakhs on account of devaluation and about Rs. 1 crore by way of added depreciation on the new assets. It took some time before a concern like this, which had been completely squeezed could bear these excessive burdens on its revenue out going. But thereafter, if one were to see the working of this concern, under the management of the Shipping Corporation one can see what tremendous achievements can be brought about by Public Sector not only in fields where there is monopoly, either artificial or natural, but even in fields where there is cut-throat competition in the internal and international markets, and private sector should learn a lesson from them and be a little more efficient in their work.

Let us see what is likely to be the expected revenues for the period 1966-70. The accounts have not been finalised, but they have certain estimates. In 1966-67 out of gross total revenue of Rs. 9.72 crores, after expenditure, the net revenue is Rs. 0.54 crores. The next year the gross total revenue was Rs. 15.65 crores, a tremendous increase in revenue, and after deducting expenditure of Rs. 13 47 crores, the net profit is likely to be in the vicinity of Rs. 2.18 crores.

The capital is Rs. 2.88 crores. By any standards, the performance can only be described as simply magnificent. In the next year the net revenue is expected to Rs. 2.59 crores, and in 1969-70 Rs. 1.06 crores.

We know that shipping business is a tricky business and that the profits are subject to various pressures, various difficult conditions and situations, and under all these circumstances Rs. 6.37 crores is likely to be the aggregate revenue of these four years.

My hon. friend Shri Piloo Mody is not here. He shows invariably scathing indignation against the public sector, I wish he was here today and could see these figures, and if he is capable of understanding these figures, he would see that there is nothing wrong basically in the philosophy of having the large public sector. Only that the public sector enterprises should properly and efficiently manage and there is no reason why they cannot so manage.

I must say a word about compensation. On a capital of Rs. 2.88 crores, the compensation is giving to be Rs. 4 55 crores. There was a time when the entire capital had been wiped out. Shri Raj Bahadur's Ministry takes up this enterprise and entrusts it to the Shipping Corporation, they do magnificent work and earn profit, and now there is compensation given which is nearly double the amount of capital. In a way I do appreciate this compensation which has been arrived at in the wake of the Twenty-fifth Amendment of the Constitution.

DR KAILAS (Bombay South) : Other public undertakings may take a lesson from this.

SHRI N. K. P SALVE : It has to be an object lesson for others, and I do hope that Raj Bahadurji would make endeavours to get this particular philosophy of ruthless efficiency in management inculcated into other public sector enterprises as well.

The compensation is to be paid to the shareholders. There are two main shareholders Dr. Dharma Teja and one more. Dr. Teja is going to be the beneficiary of compensation In a way I am happy, this is calculated according to the rule of law and coming as it does in the wake

of the 25th Amendment. But here also Raj Bahadurji has shown tremendous business wisdom. The Jan Sangh Members, were extremely apprehensive that once the 25th Amendment to the Constitution was passed, we would expropriate properties without compensation. This is a magnificent example for them to see that this Government is not out to violate the rule of law. This Government want, to abide by the rule of law and pay compensation according to law and not expropriate properties Mr. Teja owes money to the company and to the income-tax department. So, whatever compensation he is going to get will come back to the company or Government. There was thus vested interest of Shri Raj Bahadur in paying this compensation!

About capitalising the interest which is paid on the deferred payments of the ships, which interest is being capitalised not only for purposes of accounts but also for purpose of income-tax, I am sure Shri Raj Bahadur knows that the interest paid on deferred payments in respect of acquisition of capital assets, even if you capitalise it for the purpose of profit and loss account, is an allowable deduction for Income-tax. I do hope that the efficient management of the company are aware of this provision of income-tax, because I do feel that the public sector sometimes needs to protect itself against the illegalities of the Income-tax department as much as the income-tax department needs to protect itself against the illegalities of the private sector.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND SHIPPING AND TRANSPORT (SHRI RAJ BAHADUR): Sir, the shadows of the aggression on our land have for the present rather blurred from our view the achievement of the management, which has been responsible for the excellent results achieved on behalf of the Jayanti Shipping Company ever since it was taken over. I am grateful to Mr. Salve and others for the compliments showered on the management. I join my own voice to those compliments.

Mr. Biren Dutta and Mr. Chitta Babu said that nothing has been mentioned about the employees of the company in the Bill. As Mr. Salve pointed out, there was no management, no accounting and no operational disciplines worth the name before it was taken over. The accounts were not centralised. The result was complete chaos and a state of mess in the affairs of the company. The shore employees received much lower salaries and allowances compared to the employees of the Shipping Corporation, of course the persons on the vessels were getting what was more or less comparable to the emoluments received by the officers of big Indian shipping companies. There was dissatisfaction among the low-paid employees.

Soon after the Shipping Corporation took over this company, they held talks with representatives of employees and assured them that their services will be stable and secure. After some negotiations, as an interim measure, the management gave the low-paid employees an interim relief of Rs. 45 per month from October, 1966. From December, 1966, they were given the scales and conditions of service of the Shipping Corporation. The shore officers were brought on a par with the officers of the Shipping Corporation with regard to emoluments with effect from July, 1967. All these measures imporved the emoluments and conditions of service of the employees and the officers, apart from giving them stability and security of service.

I would not like to go into the question of profitability, a point mentioned by Mr. Chitti Babu. It has been amply dealt with by Mr. Salve.

Shri Chittibabu said that it is rather surprising that Rs. 20 crores were given

[Shri Raj Bahadur]

without security and the sacred name of the architect of our freedom and the architect of free India, Pandit Jawaharlal Nehru, was brought in, making him responsible for that. May I just put the record straight by recalling to this House under what circumstances the Jayanti Shipping Company came into being?

It has been my proud privilege that I happened to be associated with this Ministry at the time when the Jayanti Shipping Company came into being and I have been responsible, if I may say so, in a very large measure for bringing this company into existence because I did really play my humble role in trying to augment the national shipping fleet through the encouragement of the private sector and public sector shipping companies. Again, it has been my proud privilege that when complaints were made against the management of the Jayanti Shipping Company it was I who ordered an inquiry, and an inquiry committee was set up under the chairmanship of no less a person than the ex-Cabinet Secretary, Shri Sukhtankar, who started this. Again, it has been my proud privilege to be in the Ministry and be associated with it when the company is being taken over.

What was the state of affairs before the Jayanti Shipping Company came into being? At the dawn of independence we started with a paltry fleet of about 200,000 GRT of shipping. By 1960-61 we had only attained a figure of 8.58 lakhs GRT, which was carrying only about nine per cent of our total import and export trade; that means, about 91 per cent of our total trade was being carried in foreign vessels. That was a tremendous drain on our resources, particularly foreign exchange resources. At that time we were importing large quantities, millions of tons of foodgrains and, if I am not mistaken and if my memory is not failing me, we were spending about Rs. 90 crores for bringing foodgrains. We were also losing a lot of precious foreign exchange on freight, which we could have earned as our share on the export if iron ore from our country. The main reason was that we do not have any bulk carriers or tankers. We requested the existing shipping companies to increase their existing fleet with no appreciable success.

It is in this context that this proposal came, which was unique. Before the Jayanti Shipping Company came on to the scene we had to advance all the amount of loan to be required by a shipping company for the acquisition of ships before their delivery. Under the proposal made by Jayanti Shipping Company we had to pay only 10 per cent of the total amount of loan on delivery of the ship only, the balance 90 per cent of the amount was granted by the SDFC for the company and it was paid after the delivery of the ship and not before delivery and that too over a period of seven years. This was a unique proposal. We took all possible precautions while accepting this arrangement and I can say that today that this experiment has succeeded in all respects. We took good and ample steps to ensure that the interests of the national exchequer are not jeopardised in any way. We ensured that all the ships acquired are built strictly in accordance with our requirements. Technical and technological specifications were laid down for them and provision was made for inspections also. All vessels of the company immediately upon delivery were to be mortgaged to the Shipping Development Fund Committee, which ensured that the ownership would pass to the Shipping Development Fund Committee in case of any default. All payments to the shipyards were also made, not directly by the company, but through the SDF Committee to ensure the rightful use of these public funds.

It will, thus, be seen from these steps that every possible precaution was taken. And what has been the result so far as the previous management is concerned? It was, if I may say so, a case of a person who wanted to kill the hen that laid the golden egg. If he had been patient, he would perhaps have been one of the biggest shipowners in our country.

SHRI N K. P SALVE . You mean, if he was honest?

SHRI RAJ BAHADUR : Even if he was honest ?

Since the cases are *sub judice*, I can no say much, but there was mismanagement there were manipulations and there were complaints and we had to set up an inquiry. Finally, when we had no other means left to us, when we had no other go, we also took over the management. The House is aware of that particular development and I do not want to go into the details of it

Today I can say that the national shipping, particularly in the public sector, has stood to gain With all the 77 ships of the Shipping Corporation and 16 ships of the Jayanti Shipping Company, which have come under the public sector after nationalisation, about 50 per cent of our total national shipping is now is the nationalised sector, which also is an achievement in itself. Whatever Pandit Jawaharlal Nehru did at that time has inured to the advantage and benefit of the nation and national shipping. I pay my humble tribute to his sacred memory and to his great imagination in even bringing the Jayanti Shipping Company into being. There is no denying that the country has stood to gain by it.

The last point to which I want to make a reference is about compensation. But I see that my hon. friend, Shri Salve, has already covered that point. We are in a very satisfactory position. We have got decrees totalling up to Rs.1.03 crores against Dr. Teja. With interest calculated since 1967 it will perhaps amount to a much bigger figure, may be, about Rs. 1.40 crores. Then, there are civil suits pending against Kulkundis and Dr. Teja. The claims amount to Rs. 2 86 crores This makes a total of Rs. 3.89 crores. The compensation amount which might be payable to Dr Teja and Kulkundis has already been attached under orders of the High Courts. Therefore, I am sure that with these plus the taxes that they have to pay, Dr. Teja may not be able to reap any fruits of the mismanagement or of manipulations that he indulged in

SHRI N K. P. SALVE : Taxation on capital gains also.

SHRI RAJ BAHADUR : I would not like to say more, to be fair to everybody concerned, but I will say that my hon. friend, Shri Jharkhande Rai, was rather needlessly was waxing eloquent in regard to, what he said, "slow steps towards achievement of socialist goals" I would only remind him that only three days back we have taken some of the most significant steps that free India has ever taken to create the necessary ground, and the infrastructure for an accelerated pace of progress towards the achievement of our socialist ideals. He should not suspect any lack of earnestness in this behalf. He should also see that soon after the election—it was hardly a week since the assumption of office by the new government—that the problem of Bangla Desh overtook us and in its wake came the huge problem of refugees. It really embarrassed and overwhelmed us. The story of the last eight or nine months is clear. The culmination of that story is the aggression by Pakistan.

Today, therefore, while the achievement of the Shipping Corporation as the managing agency of the Jayanti Shipping Company have come into limelight by this debate,

[Shri Raj Bahadur]

we should record here our tribute to those men, the shore workers and the floating staff of the Jayanti Shipping Company, and the management of the Shipping Corporation, who have enabled us to achieve these results.

I again repeat my compliments to them and I commend this motion to the House.

MR. CHAIRMAN : The question is:-

"That the Bill to provide for the acquisition of the shares of the Jayanti Shipping Company Limited in order to serve better the shipping needs of the nation and to facilitate the promotion and development, in the interests of the general public, of national shipping and for matters connected therewith or incidental thereto, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN : There are no amendments to the clauses; so, I shall put all the clauses together to the vote of the House. The question is:—

"That clauses 2 to 18, the Schedule, Clause 1, the Enacting Formula and the Title stand part of the Bill"

The motion was adopted.

Clauses 2 to 18, the Schedule, Clause 1, the Enacting Formula and the Title were added to the Bill.

SHRI RAJ BAHADUR : Sir, I move:-

"That the Bill be passed"

MR. CHAIRMAN : The question is:

"That the Bill be passed."

The mtion was adopted.

16.25 hrs.

STATUTORY RESOLUTION RE: PROCLAMATION IN RESPECT OF THE STATE OF GUJARAT

MR. CHAIRMAN : The House will now take up item No. 5.

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F.H. MOHSIN) : Mr. Chairman, Sir, on behalf of Shri K.C. Pant, I beg to move :

"That this House approves the continuance in force of the Proclamation issued by the President on the 13th May, 1971, under article 356 of the Constitution, in relation to the State of Gujarat, for a further period of six months with effect from the 21st December 1971"

The House may be aware that the Proclamation was issued in relation to the State of Gujarat under article 356 of the Constitution on 13th May, 1971. The Rajya Sabha approved the Proclamation on 31st May, 1971 and the Lok Sabha approved the same on the 21st June, 1971. The Proclamation is in force upto 20th December, 1971. The House may be aware that the Election Commission had taken intensive revision of the electoral rolls in almost all the States and even in Gujarat and they have completed it only recently. Now, a special revision in regard to four Assembly constituencies has been taken up and that is also about to be completed in a very short time.

As the House is aware, the Election Commission has announced that the elections may be held in the third week of February. So, the Government propose to hold elections along with other States in Gujarat also.

SHRI K.S. CHAVDA : Now there is Emergency.

SHRI F. H. MOHSIN: Provided normal conditions are there. If the Emergency still continues, the Government will have to reconsider the decision. At present, this is the decision of the Election Commission. The Government has decided to hold elections in February if the Emergency is concluded earlier.

So, I have to come before the House for the extension of the Proclamation beyond 20th December, 1971. I hope the House will approve this Resolution.

MR CHAIRMAN : Resolution—moved :

"That this House approves the continuance in force of the Proclamation issued by the President on the 13th May, 1971, under article 356 of the Constitution, in relation to the State of Gujarat, for a further period of six months with effect from the 21st December, 1971."

SHRI K.S. CHAVDA (Patan) : Mr. Chairman, Sir, during the President's Rule, the Government machinery has been utilised to strengthen the ruling Congress in Gujarat. One of the examples is the foundation-stone laying ceremony at Dharoi on 21st November by Shrimati Indira Gandhi, the Prime Minister of India.

The estimated expenditure of the Dharoi project is about Rs. 18 crores and one-third of that expenditure is going to be met by the Municipal Corporation. of Ahmedabad. When Shrimati Indira Gandhi landed at Ahmedabad, especially the Ruling Congress President, Shri Rathubhai Adani, was asked to accompany her and take part in the ceremony but the partner in the whole project, Shri Narottam Zaveri, the Mayor of Ahmedabad Municipal Corporation was not allowed to sit with her in the helicopter. This function was entirely at the cost of the Government. It was not a Ruling Congress function and, therefore, the Government should be above Party politics (*Interruptions*)

I have just cited an example. It has appeared in the Press and it is a fact. You cannot deny it.

DR. KAILAS (Bombay South) : But it has nothing to do with the matter before us.

SHRI K.S. CHAVDA : What I want to point out is that if there had not been President's rule, it would not have happened. It is because of the President's rule that this has happened.

I would give you only one more example. Recently, there is a move for transfer of some of the villages from Mehsana District to the Gandhi Nagar District. Why ? Because the Ruling Congress is in minority in the Mehsana District Panchayat and the President of the Mehsana Panchayat is from Cong. (O). Therefore, they say that if some of the villages of the Mehsana District are transferred to Gandhi Nagar District, then the Ruling Congress may get majority in the Mehsana District Panchayat. But this move is opposed by the President of the Mehsana District Panchayat in his recent representation to the Government of Gujarat. I would ask the Minister to assure the House that no transfer of villages from one district to another will take place during President's rule in Gujarat ....(*Interruptions*)

SHRI R.S. PANDEY (Rajnandgaon): He was quite a hefty and stout gentleman. Only two persons could be accommodated in the helicopter. So, he was left out.

SHRI K.S. CHAVDA : Why was the President of the Ruling Congress was allowed to sit there ? He has nothing to

[Shri K.S. Chavda]

do with the function while the Mayor of Ahmedabad Municipal Corporation which is going to bear one-third of the project's expenditure was not allowed to sit and was also not allowed to speak in the function. It was just like a Party function at the cost of the Government.

Sir, at this time of Emergency, I do not want to speak more and create bitterness. I will say, my Party and if I may say so, the whole State of Gujarat will not lag behind in supporting the Government to repel the aggression or any attempt of aggression by Pakistan on our sacred soil.

श्री फूलचन्द वर्मा (उज्जैन) : सभापति महोदय, गुजरात प्रान्त में राष्ट्रपति शासन चल रहा है उसकी अवधि बढ़ाने के सम्बन्ध में जो बिल यहां पर आया है उस पर बोलने के लिए मैं खड़ा हुआ हूं। जब गुजरात में राष्ट्रपति शासन लागू किया गया था उस समय 6 महीने की अवधि नियत की गई थी और उस समय हम समझते थे कि सम्भवतः इसकी अवधि बढ़ाने की आवश्यकता नहीं पड़ेगी तथा फरवरी में ही वहां पर चुनाव हो जायेंगे। लेकिन परिस्थितियों ने कुछ ऐसा परिवर्तन लिया तथा इस समय देश के सामने जो परिस्थिति है, देश एक संकट की घड़ी से गुजर रहा है, केवल हमारी सीमाओं पर ही नहीं बल्कि देश के अनेक भागों में पाकिस्तान के विमानों द्वारा निरन्तर बमवर्षा हो रही है तथा हमारा नागरिक जीवन अस्त-व्यस्त हो रहा है, ऐसी परिस्थिति में जो बिल आया है उसका विरोध हम सिद्धांततः नहीं करना चाहते किन्तु आपके माध्यम से इस सभा में हम निवेदन करना चाहते हैं कि आज इस बदली हुई परिस्थिति में जब हम गुजरात के अन्दर राष्ट्रपति के शासन की अवधि बढ़ाना चाहते हैं तो हमें कुछ जो मोटी मोटी बातें हैं उनकी ओर भी ध्यान देना होगा। युद्ध के दौरान देश को जिस परिस्थिति से गुजरना पड़ता है उसमें कुछ विशेष बातें तथा कुछ सामाजिक मूल्य होते हैं उनका हमें विशेष रूप से ध्यान रखना पड़ता है। मैं आपके द्वारा निवेदन करूंगा कि जब हम गुजरात में राष्ट्रपति शासन की अवधि बढ़ाने जा रहे हैं तो एक बात का हमें विशेष रूप से ध्यान रखना चाहिए कि वहां पर कीमतें बढ़ने न पायें। यदि ऐसे समय में कीमतें नहीं बढ़ेंगी तो नागरिक जीवन, जोकि आज भारी टैक्सों के बोझ के नीचे दबा हुआ है, अस्त-व्यस्त होने से बच जायेगा। वैसे देखा यह गया है कि जिन जिन राष्ट्रों को युद्ध से गुजरना पड़ता है यदि वहां पर कीमत बढ़ती है, मुनाफाखोरी बढ़ती है तो एक प्रकार से उसका मतलब यह होता है कि जो सैनिक युद्ध के मोर्चे पर लड़ रहे हैं उनके हाथ हम मजबूत नहीं कर रहे हैं। ऐसी स्थिति में मैं निवेदन करूंगा कि जब आप गुजरात में राष्ट्रपति शासन की अवधि बढ़ा रहे हैं तो साथ ही साथ इस बात को भी ध्यान में रखना चाहिए कि गुजरात के लोगों का मनोबल घटने न पाए, जो टैक्सेज लगाए गए हैं उनको वे स्वेच्छा से दें और इस संकट की घड़ी में उद्योग-धंधे यथावत् चलते रहें और उनकी कार्यकुशलता में किसी प्रकार की कोई कमी न आने पाए। अकसर देखा गया है कि ऐसे समय में जो मध्यम वर्ग होता है वह सबसे अधिक परेशान रहता है जबकि सबसे अधिक सहयोग इस तबके से ही प्राप्त होता है।

इसके अतिरिक्त यदि आज आप दिल्ली की सड़कों पर निकलेंगे तो पायेंगे कि सामाजिक संस्थायें लोगों को यह बताने में लगी हैं कि खतरे के समय में, जब सायरन बजता है तो जनता को किन-किन बातों का खयाल रखना चाहिए। मैं आपके माध्यम से ऐसी सामाजिक संस्थाओं को धन्यवाद देना चाहता हूं जहां तक गुजरात का सम्बन्ध है, हमारे सरकार से कई मतभेद हैं और कई बातें हमें कहनी हैं लेकिन आज इस संकट के समय में कुछ भी कहने के लिए बचता नहीं है, गुजरात के लोग बड़े से बड़ा कष्ट भी सहन करने के लिए तैयार रहेंगे। लेकिन साथ ही साथ सरकार को इस बात का भी ध्यान रखना चाहिए कि जो पाकिस्तान के जासूस हैं, जो कि आन्तरिक विद्रोह और अफवाहें फैलाने वाले लोग हैं, जो समाज विरोधी तत्व हैं उनसे सावधान रहा जाये और इस काम में सामाजिक संस्थाओं का सहयोग लेना जरूरी है।

इन शब्दों के साथ आज की परिस्थिति में मैं इस बिल का पूरा पूरा समर्थन करता हूं परन्तु साथ ही यही एक बात कहना चाहता हूं कि युद्ध के दौरान वहां की जनता को कीमतें बढ़ने से या जो अन्य इस प्रकार की तकलीफें आती हैं उनसे बचाया जाये। यहां एक ओर इसकी जवाबदारी शासन पर होती है वहीं दूसरी ओर

सामाजिक संस्थाओं का भी यह कर्तव्य होता है। प्रजातन्त्र को चलाने के लिए जनता, शासन और नेतागण तीन प्रकार से त्रिवेणी का संगम होते हैं। जब उन का सामंजस्य बैठता है तब प्रजातन्त्र फलता और फूलता है। आज युद्ध के दौरान भी मैं नहीं समझता कि किसी प्रकार गुजरात के लोगों का मनोबल घटा है। जहां तक गुजरात का सवाल है, अहमदाबाद एक औद्योगिक नगरी है और अनेकों उद्योग धन्धे वहां चलते हैं। मैं निवेदन करना चाहता हूं कि कल कारखाने काम करते रहें और उन में काम करने वालों का मनोबल बना रहे, ऐसी व्यवस्था हम को करनी चाहिये।

श्री सूरज पांडे (गाजी पुर) सभापति महोदय, हम लोग सदन में गुजरात के राष्ट्रपति शासन को बढ़ाने की चर्चा कर रहे हैं। आम तौर से हम लोग देश के किसी भी हिस्से में राष्ट्रपति शासन का समर्थन नहीं करते, मगर चूंकि इस समय देश में एक विशेष स्थिति उत्पन्न हो गई है इसलिये राष्ट्रपति शासन वहां चलाने के अलावा और कोई चारा नहीं है। मगर जो वहां के गवर्नर साहब हैं उन्होंने हर तरह की स्वतन्त्रता वहां समाप्त कर दी है। अभी मैंने देखा कि कुछ कांग्रेस के सदस्य भी यहां गृह मंत्री से मिले थे और अनुरोध किया था कि इस गवर्नर को वहां से हटा दिया जाये। कारण यह है कि वहां के गवर्नर साहब बराबर कांग्रेस (ओ) के इशारों पर चलते हैं।

श्री के० एल० चावडा यह सही बात नहीं है।

श्री सूरज पांडे आप तो कहेंगे ही।

मैं समझता हूं कि वहां इस वक्त राष्ट्रपति शासन रहना चाहिये। मजबूरी है। मगर उस गवर्नर का वहां रहना ठीक नहीं है। मेरे पास अभी एक तार आया है गुजरात से, और उससे मुझे पता चला कि वहां से किसानों और मजदूरों के प्रतिनिधि दिल्ली आये, प्रधान मंत्री से यह बात निवेदन करने के लिये कि वहां पर किस तरह से पुलिस के अत्याचार हो रहे हैं। बहुत सारे लोगों को गिरफ्तार कर लिया गया। यहां तक कि कम्यूनिस्ट पार्टी के दफ्तरों में भी जो लोग बैठे हुए थे उन्हें भी पकड़ कर जेलों में बन्द कर दिया। मैं गृह मंत्री जी से कहना चाहता हूं कि गवर्नर को वहां से तत्काल हटाया जाये क्योंकि आज देश में ऐसे लोगों का उच्च पदों पर रहना घातक होगा जो किसी खास पालिटिक्स की तहत काम करते हैं। इस से देश में बड़ी बाधायें उत्पन्न हो जायेंगी। गवर्नर के बारे में जितनी शिकायतें हम ने सुनी हैं और जो अखबारों में निकली हैं उन को देखते हुए गवर्नर को हटा ही देना चाहिये।

वहां के लिये लोक सभा के सदस्यों की जो सलाहकार समिति है उस की कोई बैठक आज तक नहीं हुई है।

एक माननीय सदस्य अभी बैठक हो चुकी है।

श्री सरजू पांडे अभी दिल्ली में दो तीन दिन हुए शायद उस की बैठक हुई है। उस के पहले कोई बैठक नहीं हुई। इस लिये मैं चाहता हूं कि पार्लियामेंट के सदस्यों की जो सलाहकार कमेटी है उस को सरकार को कान्फिडेंस में लेना चाहिये। वहां पर समय समय पर जो प्रश्न उठते हैं उन पर विचार करने के लिये कोई मशीनरी नहीं है। उन परेशानियों और मुसीबतों को हल करने के लिये परामर्शदात्री समिति में समय समय पर डिस्कशन होना चाहिये और जल्दी जल्दी उस की बैठक बुलाई जानी चाहिये।

इन शब्दों के साथ मैं इस का समर्थन करता हूं और आशा करता हूं कि मंत्री महोदय अति शीघ्र गवर्नर को वहां से हटा कर किसी ऐसे आदमी को वहां भेजेंगे जो स्वतन्त्र रूप से कार्य करेगा।

DR JIVRAJ MEHTA (Amreli) : I wish to deal with only one or two points.

One is the criticism made by Shri Chavda about the Mayor of Ahmedabad not having been taken in the helicopter with the Prime Minister when she inaugurated a project for which the Ahmedabad Municipal Corporation of Ahmedabad was to bear a substantial part of the expenses. As is well known, the Prime Minister's programme is drawn up beforehand. If the Mayor of Ahmedabad had expressed a desire to go along with her on the helicopter to inaugurate the project and had notified it in time, he would have been taken

[Dr. Jivraj Mehta

in the helicopter along with the Prime Minister to inaugurate the project as the City of Ahmedabad was a partner in the project.

The second point is with reference to the incorporation of certain villages of Mehsana district into Gandhinagar. As a matter of fact, when this district was first constituted, certain portions of Mehsana were taken over into Gandhinagar district and it was also intended to take some more later. Really, the action that has been proposed to be done or that was done is a corollary to what was done before.

That is all I have to say. I support the resolution.

SHRI R. S. PANDEY (Rajnandgaon) : Sir, since the President's rule is going to be extended in Gujarat, I would like to suggest that austerity has got to be observed and this is just the time when it is all the more important

16.46 hrs.

[MR. SPEAKER *in the Chair*]

Austerity has got to be observed and all this paraphernalia of Governor, dinner, reception, seminar, inauguration all these must be cancelled. If you cancel them, you will save money. Austerity must be observed, and a sort of atmosphere has got to be created when we are seriously engaged in facing the challenge which we have to face for the sake of the country and for the sake of sovereignty.

This is applicable to all the Governors, whosoever is the Governor and whatever be the State They must realise the seriousness, and they must observe austerity, and must curtail the expenses and their paraphernalise—motor-car, petrol, dinner, lunch, this and that. The amount has got to be curtailed, and simplicity has to be followed and accepted by the Governors. This is the only humble observation that I wanted to make in this connection.

SHRI F.H. MOHSIN : Mr. Speaker, Sir, I am very much thankful to the Members of the House for the unanimous support for the expension of President's rule—(*Interruption*)—the almost unanimous support for the extension of President's rule in Gujarat. Some Members have made good suggestions. Those who are sitting opposite also have given some useful suggestions to be carried out by the Governors during the President's rule They have pointed out what has to be done and what is not to be done. The suggestion that came from the Congress (O) Member has already been replied to by Dr. Jivraj Mehta. I do not want to go into it further.

Some of the suggestions which were made are very important and are quite useful, but they do not pertain to the resolution that is before the House. It is quite necessary that we have to observe austerity and see that the prices of essential commodities do not rise. This is the malady almost in all the States. I think the Defence of India Bill which we have already passed will now take care to see that the prices of essential commodities do not further rise, and also there will be no hoarding.

MR. SPEAKER : The proclamation perhaps may include everything ! Everything will go all right !

SHRI F. H. MOHSIN: Sir, in this connection, I must thank Mr. R S Pandey who has given some useful suggestions. They must be followed not only by the Governors but by one and all. It is really very important that at the time of the emergency we should take steps to maintain austerity in almost every field. The House may be aware that already the Government have constituted a Committee to consider the ways and means of cutting down expenditure, while maintaining the standard in the Rashtrapati Bhavan and in the Raj Bhavans. A committee has

been formed and it has already visited certain Raj Bhavans. It is to submit its report within a few months...(*Interruptions.*) As regards austerity in other fields I appeal to the Members also; austerity is required not only in Raj Bhavans and the Rashtrapati Bhavan but everywhere.

AN HON. MEMBER: Even in surrender of the salary.

SHRI F. H. MOHSIN: To that effect we have already given a lead. Ministers have already surrendered ten per cent of their salaries and the Deputy Ministers, five per cent towards Bangla Desh fund. We did not lag behind....

MR. SPEAKER: Do not commit yourself too much.

SHRI F. H. MOHSIN: Mr. Sarjoo Pandey said that the Governor should be changed. I do not think that the Governor is acting on the advice of Congress (O) as he said. We expect that all decisions should be taken by the Governors in the best interest of the administration of the State. He should not discriminate between parties and parties but go on doing whatever he thinks to be in the best interest of the State..(*Interruptions*) I do not know about the Gujarat Governor. If he has done like that I would say that it is incorrect to encourage one party and discourage the other.

There was the point about the consultative committee. Though the Government wanted to call meetings of consultative committees quite often, it was not possible because the Prime Minister being the Home Minister has to preside over such meetings and she could not find time. Yet we have been able to call meetings of all the States. You are aware that four States are under the President's rule and already one round is over. We shall make efforts to see that consultative committees meet quite often and consider legislative measures. I should inform Members that these committees are particularly intended to consider legislative measures though they are not barred from discussing policy matters in the interest of administration. Whenever such a need arises, efforts will be made to call a consultative meeting. I think I have met all the points and I would appeal to the House to accept the resolution.

MR. SPEAKER: The question is:

"That this House approves the continuance in force of the Proclamation issued by the President on the 13th May, 1971, under article 356 of the Constitution, in relation to the State of Gujarat, for a further period of six months with effect from the 21st December, 1971."

The motion was adopted.

16.55 hrs.

STATUTORY RESOLUTION *RE*: PROCLAMATION IN RESPECT OF THE STATE OF PUNJAB

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to move:

"That this House approves the continuance in force of the Proclamation dated the 15th June, 1971 in respect of Punjab, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 5th February, 1972."

This Resolution is the same as the one which we have just passed. The Proclamation under article 356 of the Constitution in relation to the State of Punjab was issued on 15th July, 1971. It was approved by the Rajya Sabha on 22nd June, and the Lok Sabha on 5th August, 1971. In

[Shri F. H. Mohsin]

accordance with clause (4) of article 356 the Proclamation will remain in force till 4th February, 1972 unless it is extended by the two Houses of Parliament. As I have already stated, in this State also, the revision of the electoral rolls has been started, and has not been concluded. It is to be concluded shortly, but it is not possible to hold the elections before 4th February, 1972. After the proclamation of the Emergency, I do not know whether we would be able to hold the elections in February So, I have come before the House for extension of the Proclamation by six months from 5th February, 1972.

MR. SPEAKER: Resolution moved:

"That this House approves the continuance in force of the Proclamation dated the 15th June, 1971 in respect of Punjab, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 5th February, 1972."

श्री दरबारा सिंह (होशियारपुर) : स्पीकर साहब, मुझे इस बात पर ज्यादा कुछ नहीं कहना है। मैं एक ही दरख्वास्त करना चाहता हूं। आजकल हम एमरजेंसी में से गुजर रहे हैं। पंजाब एक बार्डर स्टेट है। आज अगर सब से ज्यादा लड़ाई हो रही है तो उस जगह हो रही है। एडमिनिस्ट्रेशन जो वहां आपने दिया हुआ है उसको आप जरा खींचिये, उसको कहिये, गवर्नर और दूसरे लोगों को कहिये कि जा कर लोगों का मारेल ऊंचा करें। लोगों के प्रति उनकी क्या जिम्मेदारी है, इसका ज्ञान उनको कराइये। इंटेरिम रिलीफ का क्या हुआ, उसमें मैं पड़ना नहीं चाहता। लोगों के साथ जो वादे किये गए थे, जिन की अभी भी तीन दिन की तनख्वाह बकाया है, उस में भी मैं जाना नहीं चाहता। इंटेरिम रिलीफ के बारे में सोचा नहीं जा रहा है। और भी जो निहायत जरूरी बातें हैं उन पर हम जोर नहीं देंगे। एक कमिशन मुकर्रर हुआ है उस पार्टी के खिलाफ जिसकी पहले वहां सरकार थी। कमिशन ने वह जिम्मेदारी उन लोगों पर डाल दी है जिन्होंने एलीगेशन लगाए थे। गवर्नमेंट को, प्राइमा फेसाई केस नजर आया जांच के बाद तभी तो उसने कमीशन की स्थापना की। लेकिन वहां की जो सरकार है वह कहती है कि हम इसके लिए कतई तैयार नहीं हैं, यह जिम्मेदारी उन लोगों की है जिन्होंने एलीगेशन लगाए थे कि वे उनको साबित करें। मैं समझता हूं कि गवर्नमेंट की जिम्मेदारी है कि उसका सारा खर्चा बरदाश्त करे और सारी चीजें बरदाश्त करे। उसकी तरफ ध्यान देना निहायत जरूरी है। लेकिन चूंकि एमरजेंसी आ गई है इस वास्ते मैं एक ही बात कहना चाहता हूं। वहां की सरकारी मशीनरी को आप गीयर अप करें। सारी एडमिनिस्ट्रेशन को इस बात पर लगाने की जरूरत है कि कहीं कोई खराबी वह पैदा होने न दें। जितनी भी चीजें पीछे हुई हैं, वे दुबारा नहीं होनी चाहियें। उनको सारी जिम्मेदारी अपने ऊपर लेनी चाहिये। ऐसा नहीं होना चाहिये कि वहां से एक आर्डर कर दें कि हम को यह करना है, वह करना है। इससे बात नहीं बनेगी। उन से आप कहें कि सारी एडमिनिस्ट्रेशन इस बात पर लग जाए कि लोगों में जागृति पैदा करे, उन का मारेल ऊंचा उठाये। गवर्नर साहब मूव करें। खुद भी मूव करें। तथा दूसरे लोगों को भी मूव करने के लिए कहें। कागजों पर सिर्फ दस्तखत करने से काम नहीं चलेगा। सबसे जरूरी चीज यह है कि एक नेशन की तरह से हम काम करें, एक आदमी होकर खड़े हों और पाकिस्तान ने जितना एग्रेशन किया है, उसको हम खत्म करें। उसको पीठ हटाये और इस में जो वहां की एडमिनिस्ट्रेशन है, मदद करे। सारी जनता को, सारे हिन्दुस्तान को एक आदमी की तरह प्राइम मिनिस्टर के पीछे हमें खड़े करना है। इसके वास्ते वहां की एडमिनिस्ट्रेशन की जिम्मेदारी कम नहीं है। आज वहां जंग हो रही है। आज चंडीगढ़ में बैठ कर फैसले नहीं हो सकते हैं। एक एक जिले में जाकर एडमिनिस्ट्रेशन को दुरुस्त करने की जरूरत है और फौजी तौर पर सिविल डिफेंस के लिए लोगों को तैयार करने की जरूरत है। इस काम में वहां की एडमिनिस्ट्रेशन की जिम्मेदारी कम नहीं है और उसको गीयर अप करने की जरूरत है।

17-00 hrs.

छ: महीने के लिए आप वहां राष्ट्रपति का शासन एक्सटेंड तो जरूर कर दें लेकिन अगर आप ऐसे आदमी वहां भेजेंगे जो नई जिम्मेदारियां आयद हुई हैं उनको

किया न पाएं तो एक्सटेंड करने की इसको क्या जरूरत है। आप वहां अच्छे आदमी भेजें जो जा कर काम करें। हम सब मैम्बर पार्लियामेंट कल मीट करेंगे। हम लोग भी जाएंगे और लोगों के मारेल को ऊंचा उठायेंगे। और भी जो काम करने की जरूरत है, उसको करेंगे। लेकिन वहां की सरकार की जो जिम्मेदारी है उसको भी वहां की सरकार समझे। जितनी जल्दी यह काम हो उतना ही अच्छा होगा।

मुझे खुशी है कि हमारी फौजों ने हमला-आवर को कबजे किया हुआ है और वे उसको आगे नहीं बढ़ने दे रही हैं। लेकिन फौजों के लिए सब किस्म का सामान वगैरह पहुंचाने की पाइप लाइन को पूरी तरह जारी रखने का इन्तजाम भी किया जाना चाहिये। यह ठीक है कि हमारी फौजें बहादुर हैं और पंजाब और बार्डर के दूसरे लोग भी बहादुर हैं, लेकिन सिविल एडमिनिस्ट्रेशन को भी अपना काम अच्छी तरह से करना चाहिए। इसलिए मैं मिनिस्टर साहब से यह इस्तदुआ करूंगा कि वह एडमिनिस्ट्रेशन को पुल अप करें। मौजूदा एडमिनिस्ट्रेशन के लिए काम करने का यही मौका है, क्योंकि बाद में तो वहां पर डेमोक्रेटिक सेट-अप आ जायेगा। अगर प्रेसिडेंट्स रूल के मातहत यही काम कर के दिखाया जाये, तो बहुत अच्छा होगा।

श्री रामावतार शास्त्री (पटना) : अध्यक्ष महोदय, पंजाब में राष्ट्रपति-शासन को और छः महीने तक बढ़ाने का प्रस्ताव इस सदन में विचाराधीन है। अभी पाकिस्तान ने खास तौर से पंजाब के क्षेत्र को ही अपने हमले का निशाना बनाया है। ऐसी स्थिति में आवश्यकता यह थी कि वहां पर कोई लोकप्रिय सरकार होती, जनता के चुने हुए प्रतिनिधियों की सरकार होती। जहां तक वहां चुनाव कराने का सम्बन्ध है, संकट कालीन स्थिति को देखते हुए ऐसा लगता है कि फिलहाल वहां चुनाव कराना सम्भव नहीं होगा। इसलिये यह बहुत जरूरी है कि वहां का शासन ऐसी नीतियां अपनाये, जिस से उस सीमावर्ती राज्य के लोग संतुष्ट रहें, उन का हौसला बुलन्द रहे और वे मजबूती के साथ दुश्मन का मुकाबला कर सकें।

बदकिस्मती से इस समय वहां के शासक वे लोग हैं, जो नौकरशाह कहे जाते हैं। आम जनता के प्रति नौकरशाहों का क्या रवैया होता है, यह सर्व-विदित है। मुझे इस बारे में ज्यादा कहने की जरूरत नहीं है। लेकिन खास तौर से आज की स्थिति को देखते हुए यह आवश्यक है कि वे नौकरशाह अपनी नौकरशाही प्रवृत्ति को छोड़ कर वहां के किसानों, मजदूरों, गरीबों और मध्यमवर्गीय कर्मचारियों के सहयोग से काम करें, ताकि उस प्रदेश के सभी लोग मिल कर पाकिस्तानी हमले का मुकाबला करें और अपने देश की एकता और आजादी को बचा सकें।

कुछ दिनों पहले वहां की पुलिस ने जिस तरह का नंगा नाच किया, दो निर्दोष छात्रों की हत्या की, अगर उस को हिटलरी तरीका कहा जाये तो अतिशयोक्ति नहीं होगी। वहां किसानों, मजदूरों और खास तौर से हमारे दल के लोगों पर इस तरह से हमले किये गये, जिन को कभी बर्दाश्त नहीं किया जा सकता है। कम से कम एक जनतांत्रिक हुकूमत में इस प्रकार के हमलों की उम्मीद नहीं की जा सकती है। उन घटनाओं के बारे में पूरी जांच की जाये और जो अफसर दोषी पाये जायें, उनके खिलाफ कड़ी कार्यवाही की जाये।

वहां के किसानों को अपने विश्वास में लेना बहुत जरूरी है। वहां पर नये कानून बनाये जाने चाहिए, जिन के तहत गरीबों में जमीन का बटवारा किया जाये, ताकि बेजमीन लोग यह समझें कि यह देश उनका है, उन को अपनी पूरी ताकत से इस देश को बचाना है और साथ ही खेती की उपज को भी बढ़ाना है। बिना खेती की उपज के हम अपने जवानों और देशवासियों को क्या खिला सकेंगे? पंजाब उपज बढ़ाने के सम्बन्ध में हिन्दुस्तान में सब से मशहूर है। इसलिये यह जरूरी है कि हम वहां के खेत-मजदूरों और गरीब किसानों को अपने विश्वास में लें।

वहां के सरकारी कर्मचारी पिछले दिनों बड़ी बहादुरी के साथ अपनी मांगों के लिए लड़ चुके हैं। उन के साथ कुछ वादे भी किये गये थे, लेकिन अभी तक उन को पूरा नहीं किया गया है।

[श्री रामावतार शास्त्री]

ये लोग देशभक्त हैं। ये देश की हिफ़ाजत करना और दुश्मनों के खिलाफ लड़ना अपना कर्त्तव्य समझते हैं। लेकिन सरकार का भी यह फ़र्ज है कि वह इन लोगों की तकलीफों को दूर करे और उनकी मांगों को स्वीकार करे, ताकि ये दिल से और संतुष्ट हो कर अपना काम कर सकें।

अकाली मंत्रि-मंडल द्वारा वहां पर क्या क्या गलत काम और भ्रष्टाचार किये गये, इस बारे में बड़ी चर्चा होती रही है। हम चाहते हैं कि उसके बारे में पूरी इनक्वायरी हो, ताकि पंजाब की जनता को मालूम हो सके कि अकाली मंत्रि-मंडल ने वहां की जनता के साथ क्या क्या ज्यादतियां और अत्याचार किये हैं। वहां की बेकारी की समस्या की तरफ़ भी सरकार को ध्यान देना चाहिए, ताकि वहां के नौजवान यह महसूस कर सकें कि आज देश पर जो आफ़त आई है, उसका मुकाबला करने में उन को भी योगदान करना है। अगर सरकार ने ये सब काम न किये और केवल राष्ट्रपति-शासन की अवधि को बढ़ा दिया, तो जो नुकसान होगा उसकी जवाबदेही से वह बच नहीं सकती है। इसलिए अपने जवाबदेही को निबाहने के लिए सरकार को इन सब कामों को करना होगा, ताकि वहां की जनता एकताबद्ध होकर प्रगति कर सके।

SHRI AMARNATH VIDYALANKAR: (Chandigarh): Sir, just as my hon. friend, Shri Darbara Singh, has said the people in the Punjab have always remained in the forefront and they want to remain in the forefront in the struggle. At such a time the administration should show some dynamism. At present the administration or the bureaucracy is not showing that dynamism and it is functioning in the same old way.

We want that not only the government employees but the people should have a sense of participation. The way in which the employees are being dealt with is not the way in which you can create a sense of participation. The previous Akali administration mismanaged and quarrelled with the employees. A certain enquiry was instituted and some employees were suspended. We expected that when Governor's rule was imposed the administration would start on a clean slate but our hopes have been belied. The new administration should have removed all the obstacles and created a sense of participation, a sense of friendship and co-operation among the employees. But that feeling was not created and is not being created. I think it is very much necessary, specially in view of the present situation, that a feeling of satisfaction should be created in the minds of the employees, whose leaders are being prosecuted in the courts. The employees have many grievances. They have not been paid for the strike period and their associations have not been recognised. Since their grievances are not big once they should have been removed and the Governor's rule should have started with a clean slate. We should now create a sense of satisfaction among the employees so that the employees and the administration could work together and they would have a sense of unity and participation in the administration.

I know that certain steps have been taken in the field of civil defence and some councils have been constituted. But there are many people who can contribute a lot but who have not been included in these councils. So, I say that these councils have not been constituted in a proper manner. If the present administration, specially the bureaucracy, cannot work or is not fit to face the present situation, they should be changed. But I will request the Minister that they should be told that at present there cannot be any timid way of administration. There should be some dynamism, a sense of cooperation and they should create that kind of a spirit in the Punjabis. Already the Punjabis are full of that spirit. The administration also should show that

spirit. I feel that the Home Minister will specially pay attention to the employees' grievances and clear the kind of obstacles that the administration has not removed.

श्री मोहम्मद इस्माइल (बैरकपुर) : अध्यक्ष महोदय, यह पंजाब मे प्रेसीडेंटस रूल जो ६ महीने के लिए एक्सटेंड किया जा रहा है इसमे मुझे कछ ज्यादा नही बोलना है । दो तीन बातें जो प्रेसीडेंट रूल अब तक है उस मे हो रही ह उन की तरफ मै मत्री महोदय का ध्यान दिलाना चाहता हू । सब से पहली बात यह है कि पुलिस जिस तरह से वहा बर्ताव कर रही है प्रेसीडेंट्स रूल के अदर वह कहने के लायक नही है । आज भी आप ने अखबारो मे देखा होगा कि दो आदमियो को पकडा, थाने मे रखा, मैजिस्ट्रेट के सामने तक नही हाजिर किया उसके लिए हाई कोर्ट ने पुलिस के खिलाफ राय दी है कि यह बिलकुल गलत काम पुलिस ने किया और उस ने उन को छोड़ दिया। अभी कुछ दिनो पहले दो स्टूडेंट्स को पुलिस ने मार डाला है। उस के बारे मे लोग एन्क्वायरी के लिए गए, जुडीशियल एन्क्वायरी लोग मांग रहे है, आज तक वह बात नही मानी गई है। इस की जुडीशियल एन्क्वायरी होनी चाहिए और यह मालूम होना चाहिए कि यह क्या किया गया, दो नौजवानो की जान क्यो ली गई? इस की एन्क्वायरी अवश्य होनी चाहिए और पब्लिक को मालूम होना चाहिए। यही नही, आम तौर से वहां की पुलिस का जो काम है वह ऐसा है कि क्या कहा जाय? वह समझते है कि सैंया भये कोतवाल अब डर काहे का? वह अपनी मनमानी कर रहे हैं। मैंने तो देखा बंगाल मे यह हो रहा है कि किसी को पकड कर थाने मे ले जाते है, मारते है, पीटते हैं और फिर जो चाहते हैं वह केस उस के ऊपर लगा देते हैं। नक्सली होने का नाम ले कर उन को पीटा जाता है। जिस की जान भी ली जा रही है उसे नक्सली कह कर, एक्सट्रीमिस्ट कह कर मार डालते हैं और फिर उन का कुछ नहीं होता। मै मत्री महोदय से कहूगा कि इस चीज का वह ख्याल करें।

दूसरी चीज यह है कि वहां पर लैंडलेस पीजेंट्स हैं जिन को कि ईवैकुईज की जमीन तकसीम होनी थी, लेकिन वह जमीन आज तक उन लैंडलेस लोगो को, हरिजनों को नहीं मिली है। इस में बहुत सी ब्रांचिया हैं। आफिशियल्स वह जमीन अपने नाम कर के और अपने रिश्तेदारो के नाम में कर के रखे हैं। उन हरिजनों को वह जमीन नहीं मिली है जो उस को जोतते हैं, बोते हैं। उन को वहां से भगा दिया जाता है। मैं यह चाहता हू कि एक आल पार्टीज कमेटी उस के लिए होनी चाहिये जो जितनी ईवैकुईज लैंड है उस मे जो किसान उस को जोत बो रहे हैं, फसल उगा रहे हैं, उन को वह जमीन पांच एकड़ के हिसाब से तकसीम करे। इसके लिए एक आल पार्टी कमेटी होनी चाहिये।

तीसरी बात मुझे इन्टेरिम रिलीफ के बारे मे कहनी है। चडीगढ़ मे इंटेरिम रिलीफ कुछ लोगो को सेंट्रल गवर्नमेंट के रेट्स के मुताबिक दी जा रही है। मगर पजाब के एम्प्लाइज के लिए वह चीज नहीं मानी गई है। इस का कारण मैं कुछ समझ नही पाया। जब प्रेज़ीडेन्ट्स रूल है तो सेंट्रल गवर्नमेंट की बहुत बड़ी जिम्मेदारी है उस बोर्डर स्टेट के एम्प्लाईज को देखने की कि उन को यह मिले।

चौथी चीज मुझे यह कहनी है कि बार्डर इलाके में बहुत सी जगह पर किसानो को हटाना पड़ा है जो वहा अपनी फसल भी नही बो सकते हैं तो ऐसे किसानों को कम से कम कम्पेन्सेशन या मुआवजा कुछ न कुछ जरूर मिलना चाहिए। जो बोर्डर का इलाका है वहा के जो किसान हैं जिन को हट जाना पडा है उन को देखना होगा। यह काम भी सरकार को करना है।

आखिरी बात मै अकाली आन्दोलन जो चल रहा है उस के बारे मे कहना चाहता हू। आज एमर्जेंसी डिक्लेयर हुई है और पजाब हमारा बार्डर स्टेट है, उस के अदर हमे यूनिटी लाने की कोशिश करनी है। यह जो अकाली आन्दोलन चल रहा है इस मे कम्यूनल चीज आगे आ रही है और जनता का विभाग दूसरी तरफ आ रहा है। सवाल यही था कि वह यही मांग कर रहे थे कि एलेक्टेड रेप्रेजेन्टेटिव को माने, उस के लिए कोई आफिशियल एनाउसमेंट अब तक नही हुआ। आफिशियल एनाउसमेंट हो जाता कि हम यह करेंगे, गवर्नमेंट यह करेगी तो यह आन्दोलन कब का खत्म हो जाता। इस तरह की बात चलने से कम्युनल टेंशन

[श्री मोहम्मद इस्माइल]

बढ़ रहा है और बातावरण खराब हो रहा है। यह चीज नहीं होनी चाहिए। यही मुझे कहना है।

श्री सतपाल कपूर (पटियाला) : अध्यक्ष महोदय, आज की हालत में और स्पैशली जब एमर्जेंसी हम डिक्लेयर कर चुके हैं, हम पर जंग थोप दी गई है, मैं पंजाब के लोगों की तरफ से इस हाउस को यह यकीन दिलाना चाहता हूं कि जितनी कुर्बानी पंजाबियों को करनी चाहिये, जितनी आप उनसे तवक्को कर रहे हैं, उस से ज्यादा पंजाब के लोग कुर्बानी देंगे। पंजाब का हर रेजिडेंशियल बोर्डर पर जा कर लड़ने के लिए तैयार है। जंग आज शुरू हुई है, पाकिस्तान ने जंग आज हम पर थोपी है लेकिन पिछले 9 महीनों से पंजाब में जंग के हालात बने हुए हैं। हम उस का मुकाबला कर रहे हैं और पंजाब के नौजवान, पंजाब के लोग इस बात के लिए बेकरार हैं कि कब रावलपिंडी और लाहौर पहुंचें और इस मुकाबिले में पूरा यकीन है पंजाब को कि रावलपिंडी और लाहौर में जा कर हम जंग लड़ेंगे और वहां पर कब्जा करेंगे।

जहां तक हमारे दोस्त दरबारा सिंह जी और विधानकार जी ने जिन बातों की चर्चा की है मैं उस के साथ पूरा इत्तफाक करता हूं। जहां पंजाब के लोग बहादुर हैं, वहां पंजाब के लोग लड़ने के लिए तैयार हैं, जहां पंजाब के लोग ज्यादा पैदावार करने के लिए मशहूर हैं, कन्ज्यूमर्स गुड्स इंडस्ट्री में जहां वह राष्ट्र की रहनुमाई कर रहे हैं, वहां आज उसकी नुमाइंदगी पूरी तरह पर आप की ब्यूरोक्रेसी पंजाब में नहीं कर रही है। वहां के लोगों के साथ, वहां के मुलाजमीन के साथ, वहां के बिजनेसमैन के साथ किस तरह का व्यवहार हो रहा है, माफ कीजिए, आज की हालात में वह चर्चा हम कर नहीं सकते। जिस तरह पंजाब में आप ने पुलिस राज बना रखा है, गरीब किसानों को पहले वह पकड़ते हैं और बाद में गोली मार कर कहते हैं कि वह तो मुकाबले में मारे गये, किस तरह से दो स्टूडेन्ट्स को गोली से उड़ा दिया और बाद में कह दिया कि वह बदमाश थे। मैं मान सकता हूं कि किसी का कैरेक्टर खराब हो, कोई बदमाश हो, कोई चोर हो, लेकिन किसी पुलिस वाले को आज के राज में उसे इस तरह से गोली से उड़ा देने की इजाजत नहीं दी जा सकती। उस की एन्क्वायरी होनी चाहिए।

जहां तक सरकारी मुलाजमीन का सवाल है, उन के साथ वादे किए, सरकार ने वादे किए लेकिन आज पंजाब की ब्यूरोक्रेसी, पंजाब के अफसरान इस पार्लियामेंट की नुमाइन्दगी नहीं कर रहे हैं। पंजाब में प्रेजीडेंट्स रूल है तो वह प्रेसीडेंट्स रूल इस सरकार के अंडर में चल रहा है और यह सरकार किसकी है? लोगों की सरकार है और लोगों की सरकार की नुमाइन्दगी करने वाले अफसरान वहां ऐंटी पीपुल काम कर रहे हैं। आप को उस से सबक लेना चाहिए। आप को उन्हें रोकना चाहिए, उन्हें बान्धना चाहिए। आप ने जो वहां से ऐडवाइजर भेजे हैं उन की समझ में नहीं आ रहा है पंजाब क्या है? पंजाब एक जंग लड़ने वाला इलाका है। आप उस पर डिपेंड कर रहे हैं तो उस के ऐडमिनिस्ट्रेशन को सुधारिए। अगर रखना है तो अच्छे अफसरान वहां रखिए। मैं तो यह चाहूंगा कि आप ने जो अफसरान यहां से भेजे हैं उनको आप वापस ले लीजिए, हम पंजाबी खुद ही पाकिस्तान वालों से निपट लेंगे। आप अपने जो नुमाइन्दे भेजते हैं उन की कुछ समझ में नहीं आता कि पंजाब क्या है। मैं बहुत तफसील से कहना चाहता था लेकिन आज की हालत में कह नहीं सकता। इसलिए आप से प्रार्थना करता हूं कि देश की और पंजाब की हालत को समझते हुए मैं पंजाब से जिस किस्म का काम लेना चाहते हैं उसके लिए लोग तैयार हैं, उस के लिए आप तैयार होइए।

SHRI F. H. MOHSIN: Mr. Speaker, Sir, I am really thankful to the Members of this House for giving very valuable suggestions.

Almost every Member has stressed the strategic importance that Punjab has got. Really speaking, Punjab has got very great importance in the present Emergency. It is a border State facing more risks and also naked aggression by Pakistan. Since yesterday night we have been hearing how a naked aggression has been committed on the various towns of Punjab. I must really congratulate the Punjabis for their bravery. I remember how they withstood the aggression that was committed even in 1965 and the courage they are even showing to-day.

I quite remember an incident, especially in Amritsar and Ambala, where the enemy planes had come in 1965 and when a dog-fight was going on over the city of Amritsar, the people were not afraid. They came out of their houses to watch the fight that was going on between the war planes of Pakistan and our planes So, I have no doubt that the Punjabis are very brave and they will not be hesitant to save our motherland from any aggression of this sort

At this hour it is quite natural that some of the traders and black-marketeers would like to take advantage of such a situation and would start hoarding essential commodities So stress was laid by various Members of the House to see that the prices do not rise We have already passed the Defence of India Act I do think that that will take care of such black-marketeers who engage themselves in hoarding

SHRI DARBARA SINGH Please gear up the machinery there

SHRI F H MOHSIN I must also admit that the suggestions that were given by Sardar Darbara Singh are very valid The administrative machinery should gear up to the need of the hour and see that the grievances of the people are met It is no use if they adopt a bureaucratic attitude They must keep in touch with the masses, try to understand the difficulties of the masses and try to redress them

I am surprised to hear some complaints made by some hon Members of this House about the attitude of some officers If it is really so, I am very much pained to hear that as especially in the Emergency everybody including the officers should gear up the administration and see that the people are attended to in every field of activity and also encourage them to participate more and more in the war efforts at such a critical hour.

I am very much thankful to Mr. Amarnath Vidyalankar and Mr. Ismail and Mr. Sat Pal Kapur as also to Mr. Ramavatar Shastri for their very valuable suggestions. Some points were made about charges against the Ministers in the former Ministry Great stress was laid on corruption. The drive against corruption was intensified. About 83 Government employees were caught red-handed while accepting bribes and they were also proceeded against. In all 86 cases have been registered. Against the Ministers in the former Ministries a number of memoranda alleging abuses of power and other malpractices against the members of the former Governments and Government servants were screened and you will be glad to know that there is a commission of inquiry appointed by the Government of India in this connection and the inquiry is proceeding.

SHRI DARBARA SINGH : Is the Government going to take up that matter because the allegations have been *prima facie* proved ?

SHRI F H MOHSIN That is upto the Commission to see whether the cases are proved or not The Commission will take care of that

श्री सतपाल कपूर : कमीशन में आप पार्टी होंगे या नहीं, या इन्डिविजअल ही पार्टी होंगे ?

SHRI F H MOHSIN Many suggestions have come from the hon. Members and the Government will seriously look into them

श्री अटल बिहारी वाजपेयी (ग्वालियर) ऐसा कमीशन हरियाणा में भी बनायेंगे या नहीं, वह तो बतलाइए।

SHRI F H. MOHSIN At present we are discussing about Punjab. So, I cannot make a statement about Haryana.

Shri Mohammad Ismail had raised a question about the Government employees.

[Shri F. H. Mohsin]

Relief has been given to the employees of the State Government, and the enhancement of the rate of dearness allowance also has been given with effect from 1st July, 1971, and the increases thus amounted to Rs. 6 to Rs. 11 per month. This has benefited about 1,60,000 employees, and it costs the exchequer Rs. 1.41 crores per year.

It is true that Punjab had to suffer even on account of floods. The monsoon caused unusual floods in Patiala, Gurdaspur and Amritsar, Rupar and Jullundur districts, and steps were taken to relieve the distress. Immediate action was taken to evacuate the marooned persons. A sum of Rs. 23.13 lakhs in addition to the normal budget was also kept at the disposal of the deputy commissioner to give relief.

These were some of the points raised by various Members, and all the suggestions made by hon. Members will be kept in mind.

MR. SPEAKER: What advice is he giving to the Akalis ?

SHRI F. H. MOHSIN: In view of the present situation of emergency, I appeal to the Sikh community...

SOM EHON. MEMBERS: No, no....

SHRI F. H. MOHSIN: I am sorry....

SHRI DARBARA SINGH: We object to this remark. Let the hon. Minister hear me. There is only one class of people from among the Sikhs, that is called the Akalis, who are in the habit of doing all these things. Why should he talk about the whole Sikh community....

SHRI F. H. MOHSIN: I have not completed my sentence yet. I would appeal to the members of the Sikh community to persuade the Akalis, and I woluld appeal to the other communities also to persuade the Akalis to withdraw the agitation, in view of the present emergency. I stand corrected again. It is only a section of the Akalis who are doing it. So, I would appeal to them to withdraw their agitation in the face of the emergency that we are facing today.

MR. SPEAKER: I hope they will care for his advice. They are in a mood to care for his advice now.

SHRI SHYAMNANDAN MISHRA (Begusarai): They have already called off their agitation.

MR. SPEAKER: The question is:

"That this House approves the continuance in force of the Proclamation dated the 15th June, 1971 in respect of Punjab, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 5th February, 1972."

The motion was adopted.

17.29 hrs.

RESOLUTION *RE*: PROCLAMATION IN RESPECT OF THE STATE OF WEST BENGAL

THE DEPUTY-MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to move:

"That this House approves the continuance in force of the Proclamation dated the 29th June, 1971, in respect of West Bengal, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 26th January, 1972."

This resolution is on the same lines as the earlier ones, and now this is in respect of West Bengal. This seeks to extend the Proclamation in relation to the State of West Bengal for a further period of six

months with effect from the 26th January, 1972. The present Proclamation will be in force only till the 25th January, 1972, and, therefore, I have come forward before the House with a resolution that this may be extended for a further period of six months with effect from the 26th January, 1972.

MR. SPEAKER: Resolution moved:

"That this House approves the continuance in force of the Proclamation dated the 29th June, 1971 in respect of West Bengal, issued under article 356 of the Constitution by the President, for a further period of six months with effect from the 26th January, 1972"

There is an amendment by Shri Jyotirmoy Bosu. I understand he is not moving it

SHRI DINEN BHATTACHARYYA (Serampore). I had an idea that this would be taken up on Monday. I did not know I would have to speak today. Because of the emergency, the other items have been disposed of expeditiously and hence this matter has come up for debate now

The Proclamation regarding President's rule in West Bengal is being extended for another six months After the Proclamation of emergency and the change in the situation in the country, I would not say what I would have said if there was no declaration of emergency. Still I have these complaints against Government.

West Bengal is a problem State. This problem has been created not by the people of West Bengal, but mostly by the Centre. Always we have seen discriminatory treatment meted out to the people of West Bengal, politically, economically and in other ways. We were in the top of the list compared to other provinces in regard to education, but now our position has come down after 25 years of Congres rule Economically, we were the most advanced, but during these 25 years, our position has come down in this respect also. So is the case politically. What is not done in other places is very easily done in West Bengal.

Sir, I do not know what was the necessity. On the first occasion when President's rule was imposed on us, we protested in this house and outside the house also that there was no necessity for imposing President's rule again and again. There was the Assembly functioning; there were the members, and they were not given a chance. I do not think that the ordinance did any good to the West Bengal people when President's rule was imposed. It was simply to satisfy the interests of the ruling party that this President's rule was imposed, and what has happened after that ? After the President's rule, there have been many instances of violence which have been mentioned here in this House. I must say that the Minister himself has admitted in the Rajya Sabha that after the promulgation of President's rule, more than 200 policemen were killed. They were all constables and ordinary policemen, not any big officers. Police killed the police. More than 200 people have been killed by the police. In cases other than violence, murders, etc., the police, the CRP and the military killed young people and to bring an excuse in the matter, they would always come and say that for self-defence they killed these people. If you consider the number of people killed in the jails, a matter which has been discussed sufficiently enough in this House, 60 persons have been killed inside jails. If I had the time, I would show you what is the state of affairs in the jails in West Bengal.

Some time back, it was said that the naxalites and the extremists were involved, and that inter-party clashes were there. But now, what is the position? You will find that there are some hard-core naxalites,

[Shri Dinen Bhattacharyya]

but most of the naxalites were utilised by the ruling party, that is, the Congress, and these naxalites created terror in some areas to the extent that the people dared not come out. Now, these same naxalites have either joined the Congress ruling party or most of them have been put in jails. Independently, if you go into the country throughout West Bengal, you cannot find so many naxalites everywhere. But for the trouble that is still there, the Congress ruling party is mainly responsible. The police is working in a partisan way as if they are paid volunteers of the Congress ruling party. That is the behaviour of a big section of the police and the administration. We have brought this matter to the notice of the Governor, to the notice of the other officers, but to no avail.

MR. SPEAKER: The hon. Member's time is up.

SHRI DINEN BHATTACHARYYA: If you will permit me, I will continue on Monday.

MR. SPEAKER: We are finishing it today.

SHRI DINEN BHATTACHARYYA: There are so many Members waiting to speak. You can take it up again on Monday. (*Interruption*)

17.39 hrs.

ANNOUNCEMENT *RE.* TIMINGS OF THE HOUSE

MR. SPEAKER: Order, order.

Before the Defence Minister starts speaking, I have to say that I have received this intimation that at the meeting which the Prime Minister had with the leaders of the opposition today at 4.30 p.m. it was decided that the Lok Sabha should sit from 10 a.m. to 1.00 p.m. from Monday, the 6th December, [illegible], and there shall be no Question Hour or Calling Attention from that day, to which I have agreed. (*Interruption*) I have already agreed. This is just for your information.

17.40 hrs.

STATEMENT ON THE SITUATION *RE.* ATTACK BY PAKISTAN ON INDIA

THE MINISTER OF DEFENCE (SHRI JAGJIVAN RAM): You are aware that Pakistan has thrust a war upon us.

The Pakistani Air Force launched pre-emptive air strikes on our airfields from 5.45 p.m. yesterday. Pakistani aircraft have attacked 12 of our airfields, namely Amritsar, Pathankot, Srinagar, Faridkot, Halwara, Ambala, Agra, Uttarlai, Jodhpur, Jamnagar, Sarsa and Sarsawa. The railway junction of Godra Road, Jammu and Barmer were also attacked. Four of the attacking aircraft have been shot down. Some of our runways were slightly damaged; no aircraft on the ground was affected; in one area the installation was slightly damaged. All our airfields are fully operational. The Pakistani objective of inflicting substantial damage through a pre-meditated pre-emptive attack has been frustrated.

The Indian Air Force responded with retaliatory attacks on Pakistani airfields, the first strike materialising last night at 11.50 p.m. Chanderi, Sherkot, Sargodha, Murid, Mianwali, Musroor (near Karachi), Risalwala (near Rawalpindi) and Changa Manga (near Lahore) have been attacked. The crew have reported to have achieved good results. They hit a number of Pak aircraft on the ground and petrol tanks were set on fire. Sargodha airfield has been damaged. The radar station in Badin (Kutch) has also been damaged. All our aircraft except one Hunter one HF-24 and one Sukoi have returned to the base.

Since 6 p.m. yesterday, the Pak Army has been shelling our positions in Poonch, Chhamb Jaurian, Amritsar, Fazilka and Pathankot. The ground attacks by Pakistani forces have been repelled in all sectors. Some of our B.S. forces in Ajnala who were across the river Ravi have however been withdrawn. Pakistan has effected similar withdrawal of their forces on our side of the river. In Poonch, we have taken 5 prisoners belonging to No. 26 PDK Battalion. At Chhamb Jaurian the Pak troops while retreating have left one dead and one wounded soldier, both belonging to No. 43 Battalion of the Punjab Regiment.

In the early hours of December 4th, our troops captured a Pak picquet 5 miles south east of Tithwal. A hill feature between Uri and Hajipur has been captured. Our troops also captured 13 prisoners including one JCO.

Pak troops in great strength supported by armour and artillery are engaged in severe fighting 30 miles west of Akhnur. We have already inflicted heavy casualties including 6 enemy tanks which were seen burning.

In Ferozepore sector, approximately one brigade of Pak troops supported by air, armour and artillery are attacking our troops in area of Hussainiwala and Ferozepore. Our troops have repulsed all attacks inflicting heavy casualties on the enemy. We have also had casualties and lost some ground. The Hussainiwala bridge has been damaged.

The Indian Forces have moved into Bangla Desh at several points and are acting in concert with Mukti Bahini. Our troops in concert with the liberation forces have taken Shamshernagar including the airfield in the Tripura and Cachar sector. Fierce fighting is still going on in the area around Akhaura. Our troops captured Saigon and Majlispur in the Comilla sector. Thakurgaon, Darsana and Gazipur are now under our control. 42 prisoners including one JCO and one Havildar-Major belonging to 26 Frontier Force Rifles Battalion have been captured in Phulbari.

The Indian Air Force has carried out air strikes on the airfields controlled by the Pakistani Air Force in Bangla Desh. So far, 8 Pakistani Sabre jets have been shot down, four near Dacca and 3 near Jessore. We lost 2 Hunters.

The Western and Eastern Fleets of the Indian Navy are now out on their mission to seek and destroy enemy warships and to cut the maritime line of communication between West Pakistan and Bangla Desh and to deny to West Pakistani forces of occupation support from the sea. A Pakistani merchant ship was captured by one of our destroyers this morning. A party of naval personnel has boarded the ship which has been ordered to proceed to the nearest harbour.

Units of the Eastern Fleet have also struck at Cox's Bazaar. The attack resulted in the destruction of the installations at the airfield.

The Indian Navy has instituted contraband control in respect of supplies intended for Pakistani ports. The ports in occupation of Pakistan in Bangla Desh have been blocked.

17.47 hrs.

The Lok Sabha then adjourned till Ten of the Clock on Monday, December 6, 1971/Agrahayana 15, 1893 (Saka)

MGJPRZND—14 LSS 71 SI 4—10-2-72—1,010.